

it can be said that criticism of this natural gas conference report on the basis that it will add additional paperwork and additional burdens and cost to producers is not founded in fact; that the elimination of parts of section 4 reporting and section 7 procedures on abandonment which are repealed by this act, eliminates a tremendous amount of paperwork that now exists under the Natural Gas Act, and that it would be fair to say that there will likely be less paperwork under this new bill than there is under the current act pertaining to interstate sales.

Mr. President, I ask unanimous consent that the full assessment of the administrative burdens under the natural gas conference report from the Federal Energy Regulatory Commission be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

AN ASSESSMENT OF THE ADMINISTRATIVE BURDENS UNDER THE NATURAL GAS CONFERENCE REPORT

Three areas under the bill will require the most significant administrative effort—wellhead pricing, incremental pricing, and the agricultural and industrial curtailment priorities.

First, the wellhead pricing provisions of the bill will lead to a significant reduction in the regulatory burdens under the Natural Gas Act of 1938. For virtually all new wells, producers selling in interstate commerce will not be required to file, and the FERC will not be required to process, certificate applications, rate increase filings, or abandonment applications or to conduct rate determination proceedings. The vast majority of FERC's current caseload deals with producer regulation. For example, the projected 1979 caseload for the Commission is 47,522 cases and producer certificates and rate filings under the Natural Gas Act constitute 81 percent or 37,682. Those types of cases would be eliminated for the future. The FERC will not be required to conduct extended rate proceedings. As Chairman Curtis concludes, "It is reasonable to expect that the Commission's present caseload attributable to functions now conducted under the Natural Gas Act will significantly diminish in future years."

In place of those Natural Gas Act functions, the Commission will be required to oversee and review the administration of the price ceilings under the bill.

The Commission will establish guidelines for state or USGS administration of these price ceilings, but will be involved in the routine administration of these functions only in a review capacity. For the most part, the Commission will be able to confine its review workload to those cases that present clear error on the part of the initial fact finder. As Chairman Curtis notes, wellhead pricing provisions of the Natural Gas bill provide "seemingly difficult problems of administration but (also) considerable opportunity to evolve a creative and efficient mechanism for giving effect to the policies enunciated in the Act."

With respect to the state or USGS initial administration of the new gas pricing standards, it should be noted that the standards for establishing eligibility for price are basically readily determinable facts such as distance and depth in relation to oil wells. The states should be able to quickly establish a routine for these matters that would require little additional administrative burden. The classification of new reservoirs is a somewhat more complex determination but such inquiries proceed along well established lines of geological inquiry. The states of Louisiana and Texas, for example, routinely today de-

fine reservoirs for purposes of establishing proration units. In the past, Texas has provided an incentive for discovery of new oil reservoirs that is analogous to the purposes of the Natural Gas bill. Newly discovered oil reservoirs were allowed an exemption from production limits.

Thus, while states will have somewhat increased administrative responsibilities under the Natural Gas bill, it is not foreseen that large increases in personnel will be required. Representatives of the FERC and the Interstate Oil Compact Commission have had several meetings to discuss approaches to implementation of this legislation. Preliminary discussions have also been held with the State Commissions or agencies that will have the majority of responsibility under the Act. FERC is also planning schedules for expedited proceedings to implement the Act in conjunction with the states.

In regard to incremental pricing, the Commission will be required to assemble data to a degree of specificity not heretofore required, and to conduct two extensive rulemakings within eighteen months after the enactment of the bill. However, once the principles are established and the data base regarding the affected users is in place, the future administration of incremental pricing will flow into the Commission's normal pipeline rate-making process. Chairman Curtis concluded that "In short, implementation of Title II (incremental pricing) implies a significant statistical effort and some lesser modifications to the Commission's procedures. However the workload, policy and procedural requirements appear achievable."

The implementation of the agricultural priority will require a limited reopening of the existing curtailment cases before the Commission for the purpose of establishing the entitlements. However, recent court rulings may require reopening of many of the curtailment plans without regard to this legislation. In this respect, Chairman Curtis concluded that "Taking this (the flexibility under the bill) into account, and also taking into consideration the more important factors that the curtailment activities of FERC are currently extensive and requirements for reexamination of curtailment policies exist independent of the Natural Gas Policy Act, it appears that the additional requirements of the NGPA will add only incrementally to what already will require a major commitment of Commission resources."

Mr. MELCHER. Mr. President, I yield the floor.

PUBLIC TELECOMMUNICATIONS FINANCING ACT OF 1978

Mr. HOLLINGS. Mr. President, while Senators have now concluded momentarily their remarks on the natural gas conference report, under the previous order and agreement I ask that the Senate proceed to the consideration of Calendar Order No. 789, S. 2883, the Public Telecommunications Financing Act of 1978.

The PRESIDING OFFICER (Mr. HODGES). The order has been entered to that effect.

Mr. HOLLINGS. All right.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2883) to amend the Communications Act of 1934 to extend and improve the provisions of such Act relating to long-term financing for the Corporation for Public Broadcasting and relating to certain grant programs for public telecommunications, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with amendments as follows:

On page 2, line 18, after "1934" insert "(47 U.S.C. 390)";

On page 2, line 22, strike "public telecommunications services" and insert "noncommercial educational and cultural radio and television programs";

On page 3, line 2, strike "public telecommunications services" and insert "noncommercial educational and cultural radio and television programs for";

On page 3, line 4, strike "owned" and insert "operated";

On page 3, line 5, strike "by" and insert "by";

On page 3, line 7, after "provide" insert "such noncommercial";

On page 3, line 7, strike "services" and insert "programs";

On page 3, line 11, after "1934" insert "(47 U.S.C. 391)";

On page 3, line 25, after "1934" insert "(47 U.S.C. 392)";

On page 4, line 8, strike "five-year" and insert "5-year";

On page 4, line 12, strike "an entity which is eligible to be licensed or is licensed by the Federal Communications Commission as a noncommercial educational broadcast station" and insert "a public broadcast station";

On page 4, line 16, strike "system of public" and insert "noncommercial";

On page 4, line 18, strike "broadcast stations" and insert "telecommunications entity; or";

On page 4, line 17, strike "nonprofit foundation, corporation, institution, or association organized primarily for educational or cultural purposes; or (D) a State or local government (or any agency thereof), or a political or special purpose subdivision of a State" and insert "system of public telecommunications entities";

On page 5, line 11, after "technologies" insert "and coordination with State educational television and radio agencies, as appropriate";

On page 5, line 18, after "in" strike "the" and insert "an";

On page 5, line 20, strike "per centum" and insert "percent";

On page 6, line 5, after "(a)" insert "of this section";

On page 6, line 16, after "393" insert "of this subpart";

On page 6, line 19, after "(e)" insert "of this section";

On page 6, line 22, strike "ownership" and insert "operation";

On page 7, line 2, after "such" insert "other";

On page 7, line 4, strike "ten" and insert "10";

On page 7, line 9, strike "an agency, institution, foundation, corporation, or association" and insert "a station, entity, or system";

On page 7, line 11, after "(a) (1)" insert "of this section";

On page 8, line 4, after "including" insert "a complete and itemized inventory of all telecommunications facilities under the control of such recipient, and";

On page 8, line 20, after "(a)" insert "of this section";

On page 9, line 4, after "1934" insert "(47 U.S.C. 393)";

On page 9, line 8, strike "for Public Broadcasting";

On page 9, line 17, after "(a)" insert "of this section";

On page 9, line 20, strike "unserved by public broadcasting" and insert "not receiving noncommercial educational and cultural programs";

On page 10, line 2, strike "owned" and insert "operated";

On page 10, line 5, after "provide" insert "noncommercial";

On page 10, line 6, strike "services" and insert "programs";

On page 10, line 7, after "391" insert "of this subpart";

On page 10, line 8, strike "per centum" and insert "percent";

On page 10, line 9, after "available" insert "to extend delivery of noncommercial educational and cultural programs to areas not receiving such programs through grants";

On page 10, line 11, strike "the creation" and insert "facilities";

On page 10, line 12, strike "for the expansion of the service areas";

On page 10, line 14, strike "creation and expansion" and insert "facilities";

On page 10, line 21, strike "per centum" and insert "percent";

On page 11, line 3, after "1934" insert "(47 U.S.C. 394)";

On page 11, line 6, strike "appropriate" and insert "the Corporation, public telecommunications entities, and as appropriate with other";

On page 11, line 9, after "390" insert "of this subpart";

On page 11, line 10, strike "five-year" and insert "5-year";

On page 11, beginning with line 14, insert the following:

"(b) The Secretary of Commerce shall prepare annually a comprehensive and detailed inventory of funds distributed by Federal departments and agencies to public telecommunications entities during the preceding fiscal year.

On page 11, line 18, strike "(b)" and insert "(c)";

On page 11, line 18, strike "shall be";

On page 11, line 19, strike "and a" and insert "an annual";

On page 11, line 20, after "plan," insert "and the inventory required in subsection (b)";

On page 12, line 1, after "Congress" insert "on or before the 31st day of December of each year";

On page 12, line 7, after "202" insert "of this title";

On page 12, line 17, after "392A" insert "(47 U.S.C. 392A)";

On page 12, beginning with line 21, insert the following:

"(2) by inserting above section 395 (a), as so designated in paragraph (1) of this section, the following new heading:

"DECLARATION OF PURPOSE; GRANTS AND CONTRACTS";

On page 13, line 2, strike "(2)" and insert "(3)";

On page 13, line 3, after "(1)" insert "of this section";

On page 13, line 6, strike "(3)" and insert "(4)";

On page 13, line 7, after "(1)" insert "of this section";

On page 13, line 10, strike "(4)" and insert "(5)";

On page 13, line 11, after "(1)" insert "of this section";

On page 13, line 14, strike "(5)" and insert "(6)";

On page 13, line 15, after "(1)" insert "of this section";

On page 13, line 18, strike "(6)" and insert "(7)";

On page 13, line 19, after "(1)" insert "of this section";

On page 13, line 22, strike "(7)" and insert "(8)";

On page 14, line 1, after "(1)" insert "of this section";

On page 14, line 4, strike "(8)" and insert "(9)";

On page 14, line 5, after "(1)" insert "of this section";

On page 14, line 8, strike "(9)" and insert "(10)";

On page 14, line 9, after "(1)" insert "of this section";

On page 15, line 8, after "392" insert "of this part";

On page 15, line 11, strike "(10)" and insert "(11)";

On page 15, line 13, strike "(11)" and insert "(12)";

On page 15, line 18, strike "(12)" and insert "(13)";

On page 15, line 24, after "1934" insert "(47 U.S.C. 396(a))";

On page 16, line 2, after "declares" insert "that";

On page 16, line 3, strike "that";

On page 16, line 7, strike "(6)" and insert "(2)";

On page 16, line 7, strike "that";

On page 16, line 10, strike "programming and services; and" and insert "radio and television programs";

On page 16, line 12, strike "(2)" and insert "(3)";

On page 16, line 12, strike "that";

On page 16, line 16, strike "(3)" and insert "(4)";

On page 16, line 17, strike "broadcasting" and insert "telecommunications";

On page 16, line 21, strike "(4)" and insert "(5)";

On page 16, line 22, strike "public broadcast programming" and insert "noncommercial educational and cultural radio and television programs";

On page 17, line 4, strike "(5)" and insert "(6)";

On page 17, line 6, strike "public broadcasting" and insert "noncommercial educational and cultural radio and television programs";

On page 17, line 10, strike "a" and insert "the Corporation for Public Broadcasting";

On page 17, line 11, strike "be created to";

On page 17, line 12, strike "to";

On page 17, line 17, after "1934" insert "(47 U.S.C. 396(d)(1))";

On page 17, line 19, after "Board" delete the colon and insert "as Chairman";

On page 17, line 22, after "1934" insert "(47 U.S.C. 396(g))";

On page 18, line 2, strike "may" and insert "is authorized to";

On page 18, line 7, strike "television or radio broadcast stations and noncommercial";

On page 18, line 13, strike "public television or radio" and insert "noncommercial educational and cultural radio or television";

On page 18, line 15, strike "television or radio broadcast stations and noncommercial";

On page 18, line 17, strike "stations or";

On page 18, line 20, strike "broadcast stations and noncommercial";

On page 18, line 25, after "freedom of" strike "the";

On page 18, line 25, strike "television or radio broadcast" and insert "telecommunications";

On page 19, line 2, strike "stations and noncommercial" and insert "public";

On page 9, line 11 strike "broadcast stations" and insert "telecommunications entities";

On page 19, line 15, strike "public television or radio" and insert "noncommercial educational and cultural radio and television";

On page 19, line 17, strike "for national or regional noncommercial distribution" and insert "to be made available for use by public telecommunications entities";

On page 19, line 21, strike "broadcast stations and noncommercial";

On page 19, line 22, after "financing" insert "the production or acquisition of";

On page 19, line 23, after "noncommercial" insert "educational and cultural radio and";

On page 19, line 24, strike "and radio programming costs of" and insert "programs by";

On page 19, line 25, strike "stations and";

On page 20, line 1, strike "thereto" and insert "to programs";

On page 20, line 2, strike "stations and";

On page 20, line 3, after "maintain," insert "or contribute to";

On page 20, line 4, strike "public" and insert "noncommercial educational and cultural radio and";

On page 20, line 5, strike "or radio";

On page 20, line 7, strike "television or radio" and insert "telecommunications";

On page 20, line 14, strike "television or radio" and insert "radio and television";

On page 20, line 14, strike "and services";

On page 20, line 15, strike "broadcast stations and noncommercial";

On page 21, line 1, after "use of" insert "broadcast and";

On page 21, line 3, after "dissemination" insert "to the public";

On page 21, line 4, strike "television or radio" and insert "radio and television";

On page 21, line 4, strike "programs," and insert "programs";

On page 21, line 5, strike "except that any such contracts entered into shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts, and;" and insert "and";

On page 21, line 11, strike "subsection" and insert "section";

On page 21, beginning with line 12, insert the following:

Nothing contained in this paragraph (2) shall be construed to commit the Federal Government to provide any sums for the payment of any obligation of the Corporation which exceeds amounts provided in advance in appropriation Acts.

On page 21, line 18, strike "and consistent with the provisions of this subpart";

On page 22, line 3, strike "producing, acquiring, scheduling, or distributing programs" and insert "producing programs, scheduling programs for dissemination, or disseminating programs to the public";

On page 22, line 13, after "1934" insert "(47 U.S.C. 396(h))";

On page 22, beginning with line 21, strike through and including page 23, line 2, and insert in lieu thereof the following:

"(3) Subject to such terms and conditions as may be established by public telecommunications entities receiving space satellite interconnection facilities or services purchased or arranged for, in whole or in part, with funds authorized under this part, other public telecommunications entities shall have reasonable access to such facilities or services for the distribution of educational and cultural programs to public telecommunications entities. Any remaining capacity shall be made available to other persons for the transmission of noncommercial educational and cultural programs and program information relating to such programs, to public telecommunications entities, at a charge or charges comparable to the charge or charges, if any, imposed upon a public telecommunications entity for the distribution of noncommercial educational and cultural programs to public telecommunications entities. No such person shall be denied such access whenever sufficient capacity is available."

On page 23, line 22, after "1934" insert "(47 U.S.C. 396(i))";

On page 24, line 1, strike "for transmittal to" and insert "and";

On page 24, line 2, strike "31st" and insert "15th";

On page 24, line 2, strike "December" and insert "February";

On page 24, line 8, strike "on public telecommunications";

On page 24, line 9, after the semicolon insert "and";

On page 24, beginning with line 10, strike through and including line 13;

On page 24, line 14, strike "(D)" and insert "(C)";

On page 24, line 19, strike "five" and insert "5";

On page 24, line 20, strike "programming and";

On page 25, line 2, strike "section" and insert "subsection";

On page 25, line 3, strike "396";

On page 25, line 3, after "(1)" insert "of this section";

On page 25, line 7, after "1934" insert "(47 U.S.C. 396(k))";

On page 25, line 16, strike "per centum" and insert "percent";

On page 26, line 13, after "(1)" insert "of this subsection";

On page 27, line 8, strike "per centum" and insert "percent";

On page 27, line 11, strike "per centum" and insert "percent";

On page 27, line 14, strike "per centum" and insert "percent";

On page 28, line 12, strike "per centum" and insert "percent";

On page 28, line 3, after "available" insert "by the Secretary of the Treasury";

On page 28, line 4, strike "(1)(C)" and insert "(2)(A)";

On page 28, line 7, strike "per centum" and insert "percent";

On page 28, line 8, after "available" insert "by the Secretary of the Treasury";

On page 28, line 9, strike "(1)(C)" and insert "(2)(A)";

On page 28, line 11, after "(g)(2)" insert "of this section";

On page 28, line 12, after "(B)" insert "of this paragraph";

On page 28, line 16, after "(g)(2)" insert "of this section";

On page 28, line 17, after "(B)" insert "of this paragraph";

On page 28, line 18, strike "per centum" and insert "percent";

On page 28, beginning with line 21, strike "subsection to the licensee or permittee of any public broadcast station, or to the licensee or permittee of any public broadcast station" and insert "part to any public broadcasting entity or public telecommunications entity";

On page 28, line 25, strike "organization" and insert "entity";

On page 29, line 7, strike "personnel matters" and insert "matters relating to personnel, proprietary information, litigation and matters requiring the confidential ad-

vice of counsel, or the purchase of property or services whenever the premature exposure thereof would compromise the business interests of any such entities";

On page 29, beginning with line 14, strike "subsection to the licensee or permittee of any public broadcast station" and insert "part to any public broadcasting entity or public telecommunications entity";

On page 29, line 17, strike "the" and insert "any";

On page 29, line 17, after "and" insert "any";

On page 29, line 19, after "(1)(3)(B)" insert "of this section";

On page 29, line 21, strike "establish and";

On page 29, line 22, strike "the percentage" and insert "its division";

On page 29, line 23, after "(3)(A)" insert "of this subsection";

On page 30, line 2, after "(3)(A)" insert "of this subsection";

On page 31, line 1, after "(3)(A)" insert "of this subsection";

On page 31, line 2, strike "may" and insert "shall";

On page 31, line 21, after "1934" insert "(47 U.S.C. 396(1)(3))";

On page 31, beginning with line 23, strike through and including page 23, line 8, and insert in lieu thereof the following:

"(3)(A) Within 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Corporation and as appropriate with others, shall adopt accounting principles which shall be uniformly used by all public telecommunications entities receiving funds under this part. Such principles shall be designed to account fully for all funds received and expended for public telecommunications purposes by such entities. All financial information of such entities relating to such purposes, including all funds received by such entities from any private or governmental source, and all funds expended for any purpose, may be audited by the Comptroller General of the United States, who shall have access to all books, records, accounts, reports, and other materials of such entities.

On page 32, line 23, strike "noncommercial broadcast licensee or permittee" and insert "public broadcasting entity and public telecommunications entity";

On page 33, line 1, strike "subpart" and insert "part";

On page 33, line 9, strike "Corporation" and insert "Comptroller General of the United States";

On page 33, line 11, strike "General Accounting Office" and insert "Corporation";

On page 33, line 14, strike "and operations that" and insert "as";

On page 33, line 16, strike "(other than a broadcasting licensee or permittee)";

On page 34, line 3, after "The" insert "Comptroller General of the United States and the";

On page 34, line 4, strike "its" and insert "their";

On page 34, line 8, after the period, strike through and including line 12;

On page 34, line 15, after "1934" insert "(47 U.S.C. 398)";

On page 34, line 20, strike "except to the extent authorized in subsection (b).";

On page 34, line 25, strike "of" and insert "or";

On page 35, line 6, after "C" insert "of this part";

On page 35, beginning with line 16, insert the following:

"(B) The Secretary shall provide for close coordination with the Commission in the administration of the Secretary's responsibilities under this section which are of interest to or affect the functions of the Commission so that, to the maximum extent possible consistent with the enforcement responsibilities of each, the reporting requirements of public broadcast licenses shall be uniformly based upon consistent definitions and categories of information.

On page 36, line 9, strike "require to satisfy itself that the recipient is in compliance with this subsection. The Corporation shall monitor the equal employment opportunity practices of each recipient, and provide technical assistance as necessary, throughout the duration of the grant or contract" and insert "require";

On page 36, line 14, strike "Based upon its responsibilities under paragraph (3), the" and insert "The";

On page 36, line 18, strike "31st" and insert "15th";

On page 36, line 18, strike "December" and insert "February";

On page 36, beginning with line 20, strike "Secretary in order to determine whether recipients are in compliance with paragraph (1)" and insert "Secretary";

On page 36, line 23, after "396(1)" insert "of this part";

On page 36, line 25, strike "and with any analysis";

On page 37, line 6, after "(1)" insert "of this subsection";

On page 37, line 7, strike "direct" and insert "inform";

On page 37, line 7, after "Corporation" insert "of such determination, including any order";

On page 37, line 10, strike "comply with such directive" and insert "thereupon so reduce or suspend such payments";

On page 37, beginning with line 18, insert the following:

"(6) The provisions of paragraphs (2), (3), (4) and (5) of this subsection shall not apply to any recipient having less than five full-time employees.

On page 37, line 21, strike "the" and insert "this";

On page 38, line 6, after "1934" insert "(47 U.S.C. 397)";

On page 38, line 15, strike "Broadcasting authorized to be established in subpart C of this part" and insert "Broadcasting";

On page 38, beginning with line 17, insert the following:

"(3) The term 'interconnection' means the use of microwave equipment, boosters, translators, repeaters, communication space satellites or other apparatus or equipment for the transmission and distribution of television or radio programs to public telecommunications entities.

On page 38, line 22, strike "(3)" and insert "(4)";

On page 38, line 24, strike "(which may include the selection and scheduling of programs for such distribution)";

On page 39, line 3, strike "(4)" and insert "(5)";

On page 39, line 9, strike "(5)" and insert "(6)";

On page 39, line 21, strike "(6)" and insert "(7)";

On page 40, line 17, strike "(7)" and insert "(8)";

On page 40, line 22, strike "distributing" and insert "disseminating";

On page 40, line 23, after "video" insert "noncommercial educational and cultural";

On page 40, line 23, after "programs" insert "to the public";

On page 41, line 3, strike "(8)" and insert "(9)";

On page 41, line 5, strike "net earnings" and insert "income or assets";

On page 41, line 7, strike "private shareholder or individual" and insert "officer or employee thereof, except as reasonable compensation for services";

On page 41, line 10, strike "(9)" and insert "(10)";

On page 41, beginning with line 19, insert the following:

"(11) The term 'public broadcasting entity' means the Corporation, any licensee or permittee of a noncommercial educational broadcast station, or any nonprofit institution engaged in the production, acquisition, distribution, or dissemination of educational and cultural radio or television programs.

On page 41, line 25, strike "(10)" and insert "(12)";

On page 42, line 1, strike "as used in subpart B";

On page 42, line 3, strike "(B) receives funds from the Corporation under section 396(k); and (C) distributes public television or radio program services to the public" and insert "and (B) disseminates noncommercial educational and cultural radio or television programs to the public";

On page 42, line 8, strike "(11)" and insert "(13)";

On page 43, line 1, strike "(12)" and insert "(14)";

On page 43, line 5, strike "(13)" and insert "(15)";

On page 43, line 5, strike "broadcast stations" and insert "telecommunications entities";

On page 43, line 6, strike "two or more" and insert "combination of";

On page 43, line 7, strike "television or

radio stations" and insert "telecommunications entities";

On page 43, line 8, strike ", on a formal or informal basis,";

On page 43, line 10, strike "programming and";

On page 43, line 18, after "201" insert "of this Act";

On page 43, line 20, after "1934" insert "(47 U.S.C. 396(k)(1))";

On page 43, line 21, after "306" insert "of this Act";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Telecommunications Financing Act of 1978".

TITLE I—CONSTRUCTION AND PLANNING OF FACILITIES

DECLARATION OF PURPOSE

SEC. 101. (a) The heading for part IV of title III of the Communications Act of 1934 is amended to read as follows:

"PART IV—ASSISTANCE FOR PUBLIC TELECOMMUNICATIONS DEMONSTRATIONS; CORPORATION FOR PUBLIC BROADCASTING".

(b) The heading for subpart A of part IV of title III of the Communications Act of 1934 is amended to read as follows:

"Subpart A—Assistance for Public Telecommunications Facilities".

(c) Section 390 of the Communications Act, of 1934 (47 U.S.C. 390) is amended to read as follows:

"DECLARATION OF PURPOSE

"Sec. 390. The purpose of this subpart is to assist (through matching grants) in the planning and construction of public telecommunications facilities in order to achieve the following objectives: (1) extend delivery of noncommercial educational and cultural radio and television programs to as many citizens of the United States as possible by the most efficient and economical means, including the use of broadcast and nonbroadcast technologies; (2) increase noncommercial educational and cultural radio and television programs for, and facilities available to and operated by, minorities and women; and (3) strengthen the capability of existing public television and radio stations to provide such noncommercial educational and cultural programs to the public."

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 391. There are authorized to be appropriated \$40,000,000 for each of the fiscal years 1979, 1980, and 1981, to be used by the Secretary of Commerce to assist in the planning and construction of public telecommunications facilities as provided in this subpart. Sums appropriated under this subpart for any fiscal year shall remain available until expended for payment of grants for projects for which applications approved by the Secretary of Commerce pursuant to this part have been submitted within the fiscal year."

CONSTRUCTION AND PLANNING

SEC. 103. (a) Section 392 of the Communications Act of 1934 (47 U.S.C. 392) is amended to read as follows:

"GRANTS FOR CONSTRUCTION AND PLANNING

"Sec. 392. (a) For each project for the construction of public telecommunications facilities there shall be submitted to the Secretary of Commerce an application for a grant containing such information with respect to such project as the Secretary may require, including the total cost of such project, the amount of the grant requested for such project, and a 5-year plan outlin-

ing the applicant's projected facilities requirements and the projected costs of such facilities requirements. Each applicant shall also provide assurances satisfactory to the Secretary that—

"(1) the applicant is (A) public broadcast station; (B) noncommercial telecommunications entity; or (C) system of public telecommunications entities;

"(2) the operation of such public telecommunications facilities will be under the control of the applicant;

"(3) necessary funds to construct, operate, and maintain such public telecommunications facilities will be available when needed;

"(4) such public telecommunications facilities will be used only for noncommercial educational or cultural purposes;

"(5) the applicant has participated in comprehensive planning for such public telecommunications facilities in the area which the applicant proposes to serve, and such planning has included an evaluation of alternate technologies and coordination with State educational television and radio agencies, as appropriate; and

"(6) the applicant will make the most efficient use of the grant.

"(b) Upon approving any application under this section with respect to any project for the construction of public telecommunications facilities, the Secretary of Commerce shall make a grant to the applicant in an amount determined by the Secretary, except that such amount shall not exceed 75 percent of the amount determined by the Secretary to be the reasonable and necessary cost of such project.

"(c) The Secretary of Commerce may provide such funds as the Secretary deems necessary for the planning of any project for which construction funds may be obtained under this section. An applicant for a planning grant shall provide such information with respect to such project as the Secretary may require and shall provide assurances satisfactory to the Secretary that the applicant meets the eligibility requirements of subsection (a) of this section to receive construction assistance.

"(d) Any studies conducted by or for any grant recipient under this section shall be provided to the Secretary of Commerce, if such studies are conducted through the use of funds received under this section.

"(e) The Secretary of Commerce shall establish such rules and regulations as may be necessary to carry out this subpart, including rules and regulations relating to the order of priority in approving applications for construction projects and relating to determining the amount of each grant for such projects.

"(f) In establishing criteria for grants pursuant to section 393 of this subpart and in establishing procedures relating to the order of priority established in subsection (e) of this section in approving applications for grants, the Secretary of Commerce shall give special consideration to applications which increase minority and women's operation of, and participation in, public telecommunications entities. The Secretary shall take affirmative steps to inform minorities and women of the availability of funds under this subpart, and the localities where new public telecommunications facilities are needed, and to provide such other assistance and information as may be appropriate.

"(g) If, within 10 years after completion of any project for construction of public telecommunications facilities with respect to which a grant has been made under this section—

"(1) the applicant or other owner of such facilities ceases to be a station, entity, or system described in subsection (a)(1) of this section; or

"(2) such facilities cease to be used in whole or in part for noncommercial public

telecommunications purposes (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of such facilities the amount bearing the same ratio to the value of such facilities at the time of such determination (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facilities are situated), as the amount of the Federal participation bears to the cost of construction of such facilities.

"(h) Each recipient of assistance under this subpart shall keep such records as may be reasonably necessary to enable the Secretary of Commerce to carry out the functions of the Secretary under this subpart, including a complete and itemized inventory of all telecommunications facilities under the control of such recipient, and records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

"(i) The Secretary of Commerce and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance under this subpart that are pertinent to assistance received under this subpart."

(b) The provisions of section 392(g) of the Communications Act of 1934, as added by subsection (a) of this section, shall apply to any grant made under section 392 of such Act before, on, or after the date of the enactment of this Act. Any authority and responsibilities of the Secretary of Health, Education, and Welfare regarding the administration of such grants are hereby transferred to the Secretary of Commerce.

CRITERIA FOR APPROVAL AND EXPENDITURES BY SECRETARY OF COMMERCE

SEC. 104. Section 393 of the Communications Act of 1934 (47 U.S.C. 393) is amended to read as follows:

"CRITERIA FOR APPROVAL AND EXPENDITURES BY SECRETARY OF COMMERCE

"Sec. 393. (a) The Secretary of Commerce, in consultation with the Corporation, public telecommunications entities, and as appropriate with others, shall establish criteria for making construction and planning grants. Such criteria shall be consistent with the objectives and provisions set forth in this subpart, and shall be made available to interested parties upon request.

"(b) The Secretary of Commerce shall base determinations of whether to approve applications for grants under this subpart, and the amount of such grants, on criteria developed pursuant to subsection (a) of this section and designed to achieve—

"(1) the provision of new telecommunications facilities to extend service to areas presently not receiving noncommercial educational and cultural programs;

"(2) the expansion of the service areas of existing public telecommunications entities;

"(3) the development of public telecommunications facilities operated by and available to minorities and women; and

"(4) the improvement of the capabilities of existing public broadcast stations to provide noncommercial educational and cultural programs.

"(c) Of the funds appropriated pursuant

to section 391 of this subpart; not less than 75 percent shall be available to extend delivery of noncommercial educational and cultural programs to areas not receiving such programs through grants for facilities of new public telecommunications entities and of existing public telecommunications entities, and preoperational expenses associated with such facilities. In choosing among applicants for grants, the Secretary shall compare the advantages of alternate technologies on the basis of costs and benefits.

"(d) The total of the grants made under this subpart from the appropriation for any fiscal year for the construction of public telecommunications facilities in any State may not exceed 8½ percent of such appropriation."

LONG-RANGE PLANNING FOR FACILITIES

SEC. 105. Section 394 of the Communications Act of 1934 (47 U.S.C. 394) is amended to read as follows:

"LONG-RANGE PLANNING FOR FACILITIES"

"SEC. 394. (a) The Secretary of Commerce, in consultation with the Corporation, public telecommunications entities, and as appropriate with other parties, shall develop a long-range plan to accomplish the objectives set forth in section 390 of this subpart. Such plan shall include a detailed 5-year projection of national needs for public telecommunications, the broadest and nonbroadest public telecommunications facilities required to meet such needs, and the expenditures necessary to provide those facilities.

"(b) The Secretary of Commerce shall prepare annually a comprehensive and detailed inventory of funds distributed by Federal departments and agencies to public telecommunications entities during the preceding fiscal year.

"(c) The plan required in subsection (a), updated annually, an annual summary of the activities of the Secretary of Commerce in implementing the plan, and the inventory required in subsection (b) shall be submitted concurrently to the President and the Congress on or before the 31st day of December of each year."

TITLE II—TELECOMMUNICATIONS DEMONSTRATIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Section 395(h) of the Communications Act of 1934, as so redesignated in section 202 of this title, is amended by striking out "September 30, 1977, and \$250,000 for the period July 1, 1976, through September 30, 1977, to carry out the provisions of this section," and inserting in lieu thereof "September 30, 1979, to be used by the Secretary of Health, Education, and Welfare to carry out the provisions of this section."

TECHNICAL AMENDMENTS

SEC. 202. Part IV of title III of the Communications Act of 1934 is amended—

(1) by redesignating section 392A (47 U.S.C. 392A) as section 395 and inserting above the heading for such section the following new heading:

"Subpart B—Telecommunications Demonstrations";

(2) by inserting above section 395(a), as so redesignated in paragraph (1) of this section, the following new heading:

"DECLARATION OF PURPOSE; GRANTS AND CONTRACTS";

(3) by inserting above section 395(b), as so redesignated in paragraph (1) of this section, the following new heading:

"Application Approval";

(4) by inserting above section 395(c), as so redesignated in paragraph (1) of this section, the following new heading:

"Amount of Grant or Contract; Payment";

(5) by inserting above section 395(d), as so

redesignated in paragraph (1) of this section, the following new heading:

"Uses of Funds";

(6) by inserting above section 395(e), as so redesignated in paragraph (1) of this section, the following new heading:

"Nonbroadcast Telecommunications Facilities";

(7) by inserting above section 395(f), as so redesignated in paragraph (1) of this section, the following new heading:

"Duration of Funding of Demonstration";

(8) by inserting above section 395(g), as so redesignated in paragraph (1) of this section, the following new heading:

"Summary and Evaluation";

(9) by inserting above section 395(h), as so redesignated in paragraph (1) of this section, the following new heading:

"Authorization of Appropriations";

(10) by inserting after section 395(h), as so redesignated in paragraph (1) of this section, the following new subsections:

"Records; Access by Secretary and Comptroller General

"(1) Each recipient of assistance under this subpart shall keep such records as may be reasonably necessary to enable the Secretary of Health, Education, and Welfare to carry out the Secretary's functions under this subpart, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this subpart.

"Rules and Regulations

"(j) The Secretary is authorized to make such rules and regulations as may be necessary to carry out this subpart, including regulations relating to the order of priority in approving applications for projects under section 392 of this part or to determining the amounts of grants for such projects."

(11) in section 395 thereof, by striking out the heading for such section;

(12) by redesignating section 395 as section 395(k) and inserting above it the following new heading:

"Assistance by Commission; Coordination With Commission and Corporation";

and

(13) by redesignating subpart B as subpart C.

TITLE III—CORPORATION FOR PUBLIC BROADCASTING

DECLARATION OF POLICY

SEC. 301. Section 396(a) of the Communications Act of 1934 (47 U.S.C. 396(a)) is amended to read as follows:

"SEC. 396. (a) The Congress hereby finds and declares that—

"(1) it is in the public interest to encourage the growth and development of public radio and television broadcasting, including the use of such media for instructional, educational, and cultural purposes;

"(2) it is in the public interest to encourage the growth and development of nonbroadcast telecommunications technologies for the delivery of noncommercial educational and cultural radio and television programs;

(3) that expansion and development of public telecommunications and of diversity of its programming depend on freedom, imagination, and initiative on both local and national levels;

"(4) that the encouragement and support of public telecommunications, while matters of importance for private and local development, are also of appropriate and important concern to the Federal Government;

"(5) that it furthers the general welfare to encourage noncommercial educational and cultural radio and television programs which will be responsive to the interests of people both in particular localities and throughout the United States, and which will constitute an expression of diversity and excellence;

"(6) that it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make noncommercial educational and cultural radio and television programs available to all the citizens of the United States;

"(7) that the Corporation for Public Broadcasting private corporation should be to facilitate the development of public telecommunications and to afford maximum protection from extraneous interference and control."

CHAIRMAN OF THE BOARD

SEC. 302. Section 396(d) (1) of the Communications Act of 1934 (47 U.S.C. 396(d) (1)) is amended by striking out "President shall designate one of the members first appointed to the Board as Chairman; thereafter the"

PURPOSES AND ACTIVITIES OF CORPORATION

SEC. 303. Section 396(g) of the Communications Act of 1934 (47 U.S.C. 396(g)) is amended to read as follows:

"Purposes and Activities of Corporation

"(g) (1) In order to achieve the objectives and to carry out the purposes of this subpart, as set out in subsection (a) of this section, the Corporation is authorized to—

"(A) facilitate the full development of public telecommunications in which programs of high quality, obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature;

"(B) assist in the establishment and development of one or more interconnection systems to be used for the distribution of noncommercial educational and cultural radio or television programs so that all public telecommunications entities may disseminate the programs at times chosen by the entities;

"(C) assist in the establishment and development of one or more systems of public telecommunications entities throughout the United States; and

"(D) carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum freedom of telecommunications systems and local public telecommunications entities from interference with, or control of, program content or other activities.

"(2) In order to carry out the purposes set forth in subsection (a) of this section, the Corporation may—

"(A) obtain grants from and make contracts with individuals and with private, State, and Federal agencies, organizations, and institutions;

"(B) contract with or make grants to national, regional, and other systems of public telecommunications entities, public broadcast stations, noncommercial telecommunications entities, and independent production entities for the production or acquisition of noncommercial educational and cultural radio and television programs to be made available for use by public telecommunications entities;

"(C) make payments to existing and new public telecommunications entities to aid in financing the production or acquisition of noncommercial educational and cultural radio and television programs by such entities, particularly innovative approaches to programs, and other costs of operation of such entities;

"(D) establish and maintain, or contribute to, a library and archives of noncommercial educational and cultural radio and television programs and related materials and develop public awareness of, and disseminate information about, public telecommunications services by various means, including the publication of a journal;

"(E) arrange, by grant to or contract with appropriate public or private agencies, organizations, or institutions, for interconnection facilities suitable for distribution and transmission of educational and cultural radio and television programs to public telecommunications entities;

"(F) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this subpart;

"(G) conduct (directly or through grants or contracts) research, demonstrations, or training in matters related to public television or radio broadcasting and the use of nonbroadcast communications technologies for the dissemination of noncommercial educational and cultural television or radio programs;

"(H) make grants or contracts for the use of broadcast and nonbroadcast telecommunications technologies for the dissemination to the public of noncommercial radio and television programs; and

"(I) take such other actions as may be necessary to accomplish the purposes set forth in subsection (a) of this section.

Nothing contained in this paragraph (2) shall be construed to commit the Federal Government to provide any sums for the payment of any obligation of the Corporation which exceeds amounts provided in advance in appropriation Acts.

"(3) To carry out the foregoing purposes and engage in the foregoing activities, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, except that the Corporation is prohibited from—

"(A) owning or operating any television or radio broadcast station, system, or network, community antenna television system, interconnection system or facility, program production facility, or any public telecommunications entity, system, or network; and

"(B) producing programs, scheduling programs for dissemination, or disseminating programs to the public.

"(4) All meetings of the Board of Directors of the Corporation shall be open to the public under such terms, conditions, and exceptions as are set forth in subsection (k) (4) of this section."

INTERCONNECTION SERVICE

SEC. 304. Section 396(h) of the Communications Act of 1934 (47 U.S.C. 396(h)) is amended to read as follows:

"Interconnection Service

"(h) (1) Nothing in this Act, or in any other provision of law, shall be construed to prevent United States communications common carriers from rendering free or reduced rate communications interconnection services for public television or radio services, subject to such rules and regulations as the Federal Communications Commission may prescribe.

"(2) Subject to such terms and conditions as may be established by public telecommunications entities receiving space satellite interconnection facilities or services purchased or arranged for, in whole or in part, with funds authorized under this part, other

public telecommunications entities shall have reasonable access to such facilities or services for the distribution of educational and cultural programs to public telecommunications entities. Any remaining capacity shall be made available to other persons for the transmission of noncommercial educational and cultural programs and program information relating to such programs, to public telecommunications entities, at a charge or charges comparable to the charge or charges, if any, imposed upon a public telecommunications entity for the distribution of noncommercial educational and cultural programs to public telecommunications entities. No such person shall be denied such access whenever sufficient capacity is available."

ANNUAL REPORT TO CONGRESS

SEC. 305. Section 396(i) of the Communications Act of 1934 (47 U.S.C. 396(i)) is amended to read as follows:

"Report to Congress

"(i) (1) The Corporation shall submit an annual report for the preceding fiscal year ending September 30 to the President and the Congress on or before the 15th day of February of each year. The report shall include—

"(A) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this subpart and such recommendations as the Corporation deems appropriate;

"(B) the plan required in paragraph (2) of this subsection; and

"(C) the summary of the annual report provided to the Secretary of Health, Education, and Welfare pursuant to section 398(b) (4) of this subpart.

"(2) The Corporation, in consultation with public telecommunications entities, and as appropriate with others, shall create a 5-year plan for the development of public television and radio services. Such plan, updated annually, and a summary of activities under such plan, shall be included in the report required in paragraph (1) (A) of this subsection.

"(3) The officers and directors of the Corporation shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to subsection (i) of this section, or any other matter which such committees may determine."

FINANCING; OPEN MEETINGS AND FINANCIAL RECORDS

SEC. 306. Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended to read as follows:

"Financing; Open Meetings and Financial Records

"(k) (1) (A) There is hereby established in the Treasury a fund which shall be known as the Public Broadcasting Fund (hereinafter in this subsection referred to as the 'Fund'), to be administered by the Secretary of the Treasury.

"(B) There is authorized to be appropriated to the Fund, for each of the fiscal years 1978, 1979, and 1980, an amount equal to 40 percent of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year, except that the amount so appropriated shall not exceed \$121,000,000 for fiscal year 1978, \$140,000,000 for fiscal year 1979, and \$160,000,000 for fiscal year 1980.

"(C) For each of the fiscal years 1981, 1982, and 1983, there is authorized to be appropriated to the Fund an amount equal to four-ninths of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year, except that the amount so appropriated shall not exceed

\$180,000,000 for fiscal year 1981, and \$200,000,000 for each of the fiscal years 1982 and 1983.

"(D) Funds appropriated under this subsection shall remain available until expended.

"(2) (A) The funds authorized to be appropriated by this subsection shall be used by the Corporation solely for its grants, contracts, and administrative costs. The Corporation shall determine the amount of non-Federal financial support received by public broadcasting entities during each of the fiscal years referred to in paragraph (1) of this subsection for the purpose of determining the amount of each authorization, and shall certify such amount to the Secretary of the Treasury, except that the Corporation may include in its certification non-Federal financial support received by a public broadcasting entity during its most recent fiscal year ending before September 30 of the year for which certification is made. Upon receipt of such certification, the Secretary of the Treasury shall make available to the Corporation, from such funds as may be appropriated to the Fund, the amount authorized for each of the fiscal years pursuant to the provisions of this subsection.

"(B) Funds appropriated and made available under this subsection shall be disbursed by the Secretary of the Treasury on a quarterly basis, in such amounts as the Corporation certifies will be necessary to meet its financial obligations in the succeeding quarter.

"(3) (A) The Corporation shall reserve for distribution among the licensees and permittees of public television and radio stations an amount equal to (i) not less than 40 percent of the funds disbursed by the Corporation from the Fund under this section in each fiscal year in which the amount disbursed is \$38,000,000 or more, but less than \$121,000,000; (ii) not less than 45 percent in each fiscal year in which the amount disbursed is \$121,000,000 or more, but less than \$160,000,000; and (iii) not less than 50 percent in each fiscal year in which the amount disbursed is \$160,000,000 or more.

"(B) The Corporation shall establish an annual budget according to which it shall make grants for production or acquisition of public television or radio programs, for interconnection facilities and operations, and for distribution of funds among public telecommunications entities. All funds contained in such budget shall be distributed to entities outside the Corporation and shall not be used for the general administrative costs of the Corporation, the salaries or related expenses of Corporation personnel and members of the Board, or for expenses of consultants and advisers to the Corporation. During each of the fiscal years 1981, 1982, and 1983, such budget shall consist of not less than 95 percent of the funds made available by the Secretary of the Treasury to the Corporation pursuant to paragraph (2) (A) of this subsection.

"(C) In fiscal year 1981, the Corporation may expend an amount equivalent to not more than 5 percent of the funds made available by the Secretary of the Treasury during such fiscal year pursuant to paragraph (2) (A) of this subsection for those activities authorized under subsection (g) (2) of this section which are not among those grant activities described in subparagraph (B) of this paragraph.

"(D) In fiscal years 1982 and 1983, the amount which the Corporation may expend for activities authorized under subsection (g) (2) of this section which are not among those grant activities described in subparagraph (B) of this paragraph shall be 105 percent of the amount derived for the preceding fiscal year.

"(4) Funds may not be distributed pursuant to this part to any public broadcasting entity or public telecommunications entity

unless the governing board of any such entity holds open meetings preceded by reasonable notice to the public. All persons shall be permitted to attend any meeting of the board, and no member of the public shall be required, as a condition to attendance at a meeting of a governing board, to register his or her name or to provide any other information. Nothing contained in this paragraph shall be construed to prevent the governing board from holding executive sessions to consider matters relating to personnel, proprietary information, litigation and other matters requiring the confidential advice of counsel, or the purchase of property or services whenever the premature exposure thereof would compromise the business interests of any such entities.

"(5) Funds may not be distributed pursuant to this part to any public broadcasting entity or public telecommunications entity that does not maintain for public examination copies of any annual financial and any audit reports submitted to the Corporation pursuant to subsection (1)(3)(B) of this section.

"(6)(A) The Corporation, in consultation with public television and radio licensees, shall review annually its division of funds reserved pursuant to paragraph (3)(A) of this subsection, and the criteria and conditions regarding the division and distribution of such funds among public television and radio stations.

"(B) The funds reserved for public broadcast stations pursuant to paragraph (3)(A) of this subsection shall be divided into two portions, one to be distributed among radio stations and one to be distributed among television stations. The Corporation shall make a basic grant from the portion reserved for television stations to each licensee and permittee of a public television station that is on-the-air. The balance of the portion reserved for television stations and the total portion reserved for radio stations shall be distributed to licensees and permittees of such stations in accordance with eligibility criteria that promote the public interest in public broadcasting, and on the basis of a formula designed to—

"(i) provide for the financial needs and requirements of stations in relation to the communities and audiences such stations undertake to serve;

"(ii) maintain existing, and stimulate new, sources of non-Federal financial support for stations by providing incentives for increases in such support; and

"(iii) assure that each eligible licensee and permittee of a public radio station receives a basic grant.

"(7) No distribution of funds pursuant to this subsection shall exceed, in any fiscal year, one-half of a licensee's or permittee's total non-Federal financial support during the fiscal year second preceding the fiscal year in which such distribution is made.

"(8) Funds distributed pursuant to paragraph (3)(A) of this subsection shall be used at the discretion of the recipient for purposes relating to the provision of public television and radio programming, including, but not limited to—

"(A) producing, acquiring, broadcasting, or otherwise disseminating public television or radio programs;

"(B) procuring national or regional program distribution services that make public television or radio programs available for broadcast or other dissemination at times chosen by stations;

"(C) acquiring, replacing, or maintaining facilities, and real property used with facilities, for the production, broadcast, or other dissemination of public television and radio programs; and

"(D) developing and using nonbroadcast communications technologies for public television or radio programming purposes."

FINANCIAL MANAGEMENT AND RECORDS

Sec. 397. Section 396(1)(3) of the Communications Act of 1934 (47 U.S.C. 396(1)(3)) is amended to read as follows:

"(3)(A) Within 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Corporation and as appropriate with others, shall adopt accounting principles which shall be uniformly used by all public telecommunications entities receiving funds under this part. Such principles shall be designed to account fully for all funds received and expended for public telecommunications purposes by such entities. All financial information of such entities relating to such purposes, including all funds received by such entities from any private or governmental source, and all funds expended for any purpose, may be audited by the Comptroller General of the United States, who shall have access to all books, records, accounts, reports, and other materials of such entities.

"(B) Each public broadcasting entity and public telecommunications entity receiving funds under this part shall be required—

"(i) to keep its books, records, and accounts in such form as may be required by the Corporation;

"(ii) to undergo an annual audit by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State, which audit shall be in accordance with auditing standards developed by the Comptroller General of the United States in consultation with the Corporation; and

"(iii) to furnish annually to the Corporation a copy of the audit report required pursuant to clause (ii), as well as such other information regarding finances as the Corporation may require.

"(C) Any recipient of assistance by grant or contract under this section, other than a fixed price contract awarded pursuant to competitive bidding procedures, shall keep such records as may be reasonably necessary to disclose fully the amount and the disposition by such recipient of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(D) The Comptroller General of the United States and the Corporation, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance that are related to assistance received under this section.

EQUAL EMPLOYMENT OPPORTUNITY

Sec. 398. Section 398 of the Communications Act of 1934 (47 U.S.C. 398) is amended to read as follows:

"FEDERAL INTERFERENCE OR CONTROL PROHIBITED; EQUAL EMPLOYMENT OPPORTUNITY

"Sec. 398. (a) Nothing contained in this part shall be deemed (1) to amend any other provision of, or requirement under, this Act; or (2) to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over public telecommunications, or over the Corporation or any of its grantees or contractors, or over the charter or bylaws of the Corporation, or over the curriculum, program of instruction, or personnel of any educational institution, school system, or public telecommunications entity.

"(b)(1) Equal opportunity in employment shall be afforded to all qualified persons by all public telecommunications entities receiving funds pursuant to subpart C of this part (hereinafter in this subsection referred to as 'recipients'), and no person

shall be subjected to discrimination in employment by any such recipient on the grounds of race, color, religion, national origin, or sex.

"(2)(A) The Secretary of Health, Education, and Welfare is authorized and directed to enforce this subsection and to prescribe such rules and regulations as may be necessary to carry out the Secretary's functions under this subsection.

"(B) The Secretary shall provide for close coordination with the Commission in the administration of the Secretary's responsibilities under this section which are of interest to or affect the functions of the Commission so that to the maximum extent possible consistent with the enforcement responsibilities of each, the reporting requirements of public broadcast licensees shall be uniformly based upon consistent definitions and categories of information.

"(3) The Corporation shall incorporate into each grant agreement or contract with any recipient entered into on or after the effective date of the rules and regulations prescribed by the Secretary of Health, Education, and Welfare pursuant to paragraph (2), a statement indicating that, as a material part of the terms and conditions of the grant agreement or contract, the recipient will comply with the provisions of paragraph (1) and the rules and regulations prescribed pursuant to paragraph (2). Each recipient shall provide to the Corporation any information that the Corporation may require.

"(4) The Corporation shall provide an annual report for the preceding fiscal year ending September 30 to the Secretary of Health, Education, and Welfare on or before the 15th day of February of each year. The report shall contain information in the form required by the Secretary. The Corporation shall submit a summary of such report to the President and the Congress as part of the report required in section 396(1) of this part. The Corporation shall provide other information in the form which the Secretary may require in order to carry out the Secretary's functions under this subsection.

"(5) Whenever the Secretary of Health, Education, and Welfare makes a final determination, pursuant to the rules and regulations which the Secretary shall prescribe, that a recipient is not in compliance with paragraph (1) of this subsection, the Secretary shall inform the Corporation of such determination, including any order to reduce or suspend any further payments of funds under this part to the recipient and the Corporation shall thereupon so reduce or suspend such payments. Resumption of payments shall take place only when the Secretary certifies to the Corporation that the recipient has entered into a compliance agreement approved by the Secretary. A recipient whose funds have been reduced or suspended may apply at any time to the Secretary for such certification.

"(6) The provisions of paragraphs (2), (3), (4), and (5) of this subsection shall not apply to any recipient having less than five full-time employees.

"(c) Nothing in this section shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the content or distribution of public telecommunications programs and services, or over the curriculum or program of instruction of any educational institution or school system."

TITLE IV—GENERAL PROVISIONS

DEFINITIONS

Sec. 401. Section 397 of the Communications Act of 1934 (47 U.S.C. 397) is amended to read as follows:

"DEFINITIONS

"Sec. 397. For the purposes of this part—
"(1) The term 'construction', as applied to public telecommunications facilities, means acquisition (including acquisition by lease),

installation, and modernization of public telecommunications facilities and planning and preparatory steps incidental thereto.

"(2) The term 'Corporation' means the Corporation for Public Broadcasting.

"(3) The term 'interconnection' means the use of microwave equipment, boosters, translators, repeaters, communication space satellites or other apparatus or equipment for the transmission and distribution of television or radio programs to public telecommunications entities.

"(4) The term 'interconnection system' means any system of interconnection facilities used for the distribution of programs to public telecommunications entities.

"(5) The term 'meeting' means the deliberations of at least the number of members of a governing body required to take action on behalf of such body where such deliberations determine or result in the joint conduct or disposition of the governing body's business, but only to the extent that such deliberations relate to public broadcasting.

"(6) The terms 'noncommercial educational broadcast station' and 'public broadcast station' mean a television or radio broadcast station which (A) under the rules and regulations of the Federal Communications Commission in effect on the date of the enactment of the Public Telecommunications Financing Act of 1978, is eligible to be licensed by the Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association; or (B) is owned and operated by a municipality and which transmits only noncommercial programs for educational purposes.

"(7) The term 'non-Federal financial support' means the total value of cash and the fair market value of property and services (except for personal services of volunteers) received—

"(A) as gifts, grants, bequests, donations, or other contributions for the construction or operation of noncommercial educational broadcast stations, or for the production, acquisition, distribution, or dissemination of educational television or radio programs, and related activities, from any source other than (1) the United States or any agency or establishment thereof; or (11) any public broadcasting entity; or

"(B) as gifts, grants, donations, contributions, or payments from any State, or any educational institution, for the construction or operation of noncommercial educational broadcast stations or for the production, acquisition, distribution, or dissemination of educational television or radio programs, or payments in exchange for services or materials respecting the provisions of educational or instructional television or radio programs.

"(8) The term 'noncommercial telecommunications entity' means any enterprise which (A) is owned and operated by a State, a political or special purpose subdivision of a State, a public agency or nonprofit private foundation, corporation, or association; and (B) has been organized primarily for the purpose of disseminating audio or video noncommercial educational and cultural programs to the public by means other than a primary television or radio broadcast station, including, but not limited to, coaxial cable, optical fiber, broadcast translators, cassettes, discs, microwave, or laser transmission through the atmosphere.

"(9) The term 'nonprofit', as applied to any foundation, corporation, or association, means a foundation, corporation, or association, no part of the net earnings income or assets of which inures, or may lawfully inure, to the benefit of any officer or employee thereof, except as reasonable compensation for services.

"(10) term 'pre-operational expenses' means all nonconstruction costs incurred by

new telecommunications entities before the date on which they begin providing service to the public, and all nonconstruction costs associated with expansion of existing entities before the date on which such expanded capacity is activated, except that such expenses shall not include any portion of the salaries of any personnel employed by an operating broadcasting station or other telecommunications entity.

"(11) The term 'public broadcasting entity' means the Corporation, any licensee or permittee of a noncommercial educational broadcast station, or any nonprofit institution engaged in the production, acquisition, distribution, or dissemination of educational and cultural radio or television programs.

"(12) The term 'public telecommunications entity' means any enterprise which (A) is a public broadcasting station or a noncommercial telecommunications entity; and (B) disseminates noncommercial educational and cultural radio or television programs to the public.

"(13) The term 'public telecommunications facilities' means apparatus necessary for production, interconnection, captioning, broadcast, or other distribution of programming, including, without limitation, studio equipment, cameras, microphones, audio and video storage or reproduction equipment or both, signal processors and switchers, towers, antennas, transmitters, translators, microwave equipment, mobile equipment, satellite communications equipment, instructional television fixed service equipment or both, signal processors and authorization transmitting and receiving equipment, cable television equipment, video and audio cassettes and discs, optical fiber communications equipment, and other means of transmitting, emitting, storing, and receiving images and sounds, or intelligence, except that such term shall not include the buildings to house such apparatus, with the exception of small equipment shelters which are part of satellite Earth stations, translators, microwave interconnection facilities, and similar facilities.

"(14) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(15) The term 'system of public broadcast stations' telecommunications entities' means any two or more combination of public telecommunications entities acting cooperatively, to produce, acquire, or distribute programs, or to undertake related activities."

TECHNICAL AMENDMENT

SEC. 402. Part IV of title III of the Communications Act of 1943 is amended by redesignating subpart C as subpart D.

EFFECTIVE DATES

SEC. 403. The provisions of this Act, and the amendments made by this Act, shall take effect on October 1, 1978, except that the amendments made by sections 102 and 201 of this Act, and the provisions of section 396(k)(1) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)) (as amended by section 306 of this Act), shall take effect on the date of the enactment of this Act.

The PRESIDING OFFICER. Time for debate on this bill is limited to 2 hours, to be equally divided and controlled by the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Michigan (Mr. GRIFFIN), with 1 hour on any amendment in the first degree, except an amendment to be offered by the Senator from Wisconsin (Mr. PROXMIER), over which there shall be 2 hours; with 30 minutes on any amendment in the second degree; and with 20 minutes on

any debatable motion, appeal, or point of order.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the privilege of the floor be accorded during the consideration of S. 2883 to the following staff members from various Senators' offices: John Smith, Gordon Funk, Aubrey Sawis, Keith Geeslin, Ray Strausberger, Ward White, Mary Jo Manning, Steve Holloway, Kevin Curtin, Tom Dougherty, and Martha Malony.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIER. Mr. President, will the Senator yield for a similar request?

Mr. HOLLINGS. I yield.

Mr. PROXMIER. Mr. President, I ask unanimous consent that Ken Dameron of my staff be accorded the privilege of the floor during debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. HOLLINGS. Mr. President, this bill reflects a consensus in most important respects with the House Commerce Committee bill, H.R. 12605, which passed the House on July 10, 1978. In April of this year Congressman VAN DEERLIN, chairman of the House Subcommittee on Communications, and I introduced companion bills, building upon the administration bill and strengthening several of its provisions, in particular those relating to public accountability, equal employment opportunity, and reduction of duplication and waste by public broadcasting entities. In May, the Senate Committee on Commerce, Science, and Transportation held 2 days of hearings on S. 2883 and reported out the bill with certain technical and other amendments which clarify and strengthen the objectives of this legislation.

Mr. President, the bill before the Senate today reflects the views of many who take a keen interest in the welfare of public broadcasting in this country. It is the product of many efforts, including those of Senators CANNON and FORD, other members of the committee, the chairman of the House Communications Subcommittee, the administration, and a broad segment of the public broadcasting community.

The chief objectives it seeks to accomplish are as follows. First, it continues the present system of multiple-year advance authorizations for noncommercial educational and cultural radio and television programs and provides for moderate increases in the funding levels. Second, it encourages the growth and development of nonbroadcast, as well as broadcast, communications technologies to insure that public programming is available to as many citizens of the United States as possible, by the most efficient and economical means. Third, this bill stimulates new efforts to expand opportunities for minorities and women in employment, training, and operation of public telecommunications facilities. Fourth, S. 2883 clarifies the mission of the Corporation for Public Broadcasting and reduces unnecessary overlap of the Corporation's activities with other public broadcasting organizations. Fifth,

the bill facilitates access to the system by independent program producers. Sixth, it mandates long-term planning for future needs by both the Corporation and the Department of Commerce, which is given new responsibilities in administering Federal assistance for construction and expansion of public telecommunications facilities. Seventh and significantly, this bill provides greater participation by, and accountability to, the public by all recipients of the public's funds, but does not permit the Government to interfere with sensitive program content or other related activities of these recipients.

Enactment of this bill will reinforce and expand the mission of the two principal programs of Federal support for public broadcasting—assistance for construction and improvement in communications facilities, and assistance for production of noncommercial educational and cultural programs.

This bill recognizes the technological changes that are occurring in the communications field by expanding the concept of "public broadcasting" to one of public telecommunications. The goal is to consider the service provided and not the way in which the service is provided. In the past only traditional, over the air facilities were considered to be eligible for Federal support. In this bill, cable, translators, and other innovative methods of transmission can be funded. The objective is to encourage the extension of noncommercial educational and cultural television and radio program services to areas of the country and segments of the population presently unserved by public broadcasting. It is estimated that the signal of public radio can be received in about 60 percent of American homes, and that only 50 percent of the public receive an acceptable quality public television signal. Since all taxpayers support public broadcasting, it is imperative that a larger percentage of the public receive good public broadcast service. Hence, this bill mandates the Secretary of Commerce to make grants to applicants proposing to reach more viewers by the most efficient means. Moreover, so as to insure that the reach of public telecommunications extends to unserved or underserved populations, the bill directs the Secretary to devote no less than three-fourths of the money made available to applicants proposing improved or expanded service. The remaining funds would be used to replace equipment or obtain new equipment to better serve the station's present audience.

The bill authorizes a level of \$40 million, an increase of \$10 million over the current authorization, to assist in the expansion and improvement in facilities for public telecommunications. This increase recognizes the critical need for financial support of both new entrants and existing broadcasters. At this authorization level, it is likely that the level of spending for improvements in equipment and other facilities needs of existing stations can continue to increase over levels devoted to these purposes in the past few years. Thus, the committee feels that existing public broadcasters should

suffer no setback in support from this program due to eligibility of new technologies for facilities funds. At the same time applications of other distribution technologies will be able to demonstrate how innovation and imagination can be put to practical use in providing public television and radio programs to the public.

The second major part of this bill involves the Federal commitment to public television and radio programming. This bill continues the present system of multiyear authorizations for the activities of the Corporation for Public Broadcasting, the congressionally established vehicle for distributing funds for the production and dissemination of noncommercial educational and cultural programming. S. 2883 reauthorizes the "public broadcasting fund" for 3 years—fiscal year 1981, 1982, and 1983—and increases the level of Federal support over previous fiscal years.

In the first fiscal year (1981) a total of \$180 million is authorized, as compared to \$160 million for fiscal year 1980. Another \$20 million increase is set for fiscal year 1982 and 1983, at a level of \$200 million in each of these 2 years. These multiyear authorizations will remain coupled with the practice of 2-year advance appropriations.

The multiyear authorization mechanism which this bill continues has served several important purposes, for both public broadcasting and the Congress. Chaos and uncertainty were the unhappy result of the annual authorization and appropriation process which existed during the first 7 years of the Public Broadcasting Act. The annual authorization and appropriation process retarded long-term planning and made public broadcasting more vulnerable to pressures from the executive and the legislative branch. Public broadcasting took on the appearance of a beleaguered Federal Government agency. The multiyear advance authorization process instituted in 1975 removed many of these difficulties for the first time.

In addition, the 3-year advance authorization in S. 2883 will permit Congress to exercise a more thorough oversight of the activities of public telecommunications. This bill provides several new standards for public accountability, openness, and EEO, under which public telecommunications must operate in the future. We want to gage carefully the progress made under these new rules. The 3-year cycle will enable public broadcasting to adjust to the new standards, and it will enable the Congress to judge the record of their performance. In this way, when the advance authorization period expires, Congress will have a track record on which it may assess that performance.

At the end of this authorization period, the Congress must look at the important question of financial support for public telecommunications—what sources that support should come from and in what amounts. Further, we must review the various technologies that have been given application in the public telecommunications facilities program and whether nonbroadcast technologies

should receive financial support for their operations from the Public Broadcast Fund. Three years should provide us with the experiences and insights needed to answer these important questions.

Of equal importance to the level of annual authorizations is the provision which reduces the ratio by which recipients of Federal support earn their entitlement. Under current law, the matching formula is 2.5 to 1, which means a station must raise \$2.50 in order to get \$1 of Federal matching funds. Beginning in fiscal year 1981 that ratio will be reduced to 2.25 to 1. While the ratio has been modified to provide greater rewards for the efforts of local broadcasters to raise local support, the ratio is still maintained at a level which guarantees that the bulk of support for public broadcasting will still come from sources other than the Federal Government. Any much lower level would tip the scale toward excessive Federal assistance, undermining the need for public broadcasting to be independent of improper governmental pressure.

Mr. President, I think that this bill makes important new strides in the national commitment to public telecommunications: increased authorization levels, continued adherence to the idea of advanced year funding, a greater degree of Federal assistance consonant with the funds raised. However, hand in hand with this increased commitment to public telecommunications goes a correspondingly larger obligation on the part of the recipients of that assistance to be accountable to the American public for the expenditure of the public's money. This bill mandates important new procedures to be followed by all recipients of Federal support, either from the Department of Commerce or from the Corporation for Public Broadcasting, to manage their grant money prudently and to be prepared to document all uses made of Federal financial assistance. For example, the bill requires the keeping of inventories of all equipment purchased in whole or in part with Federal money. All recipients of money from the Corporation must undergo an independent annual audit, based upon uniform accounting principles, and to disclose to the public all reports, audits, and other financial information submitted to CPB.

These financial management provisions are not designed to invite or allow governmental intrusion into the operations and editorial decisions of public broadcasters. Recognizing the sensitivity of the public broadcast media to even the potential of such interference, this bill is closely worded to avoid any implication that the financial management and audit provisions authorize any agency of the Government, or the Congress, to invade the provinces of the editor, the program developer, or any activities relating to program content. The objective of these provisions is to encourage better management practices among telecommunications entities and to give the public the information it needs in order to understand how funds are being spent by such entities.

This bill incorporates other provisions

designed to open up the processes of public telecommunicators to the public which supports them and which they are pledged to serve. Meetings of the governing boards of public stations and other direct recipients of CPB support must be open to the public, except for certain limited situations. As I mentioned, financial records submitted to CPB must also be made available for public examination.

The bill also opens up the system of program production and distribution to independent producers by affording conditional access by such people to the public television satellite distribution system soon to go into nationwide operation. The purpose of this provision is to open the door to what has been termed a "closed club" of major public program producers to new, at times untapped, sources of programming creativity. Due to a printer's error in the committee report (95-858, at page 19) on this bill, there is some confusion as to what the satellite access provisions would accomplish.

The satellite access provision will afford an added measure of assistance to independent producers who are seeking to solicit offers to buy a program or series or financial backing for a planned program. The provision is not intended to afford any person not qualifying as a public telecommunications entity to disseminate programs directly to the public.

The idea of public accountability is also reflected in the provisions relating to equal employment opportunity. This bill institutes clear and forceful standards to assure that recipients of Federal money do not discriminate, and that they take affirmative steps to seek out new employees from the minority communities and among women. The bill also requires the Secretary of Commerce to take special steps to encourage the participation of minorities and women in the management and operation of public telecommunications facilities. (I will offer today several additional amendments to clarify the scope of these EEO provisions so as to make even clearer our intent that poor EEO performance by the beneficiaries of Federal assistance will no longer go unheeded.)

The bill eliminates any uncertainty over which agency should enforce EEO over public broadcasting and other public telecommunications entities. The FCC already administers its own EEO rules and policies as to its public television and radio licensees. This bill gives the Department of HEW additional authority to assure equal employment opportunity over all recipients of assistance, whether licensed by the FCC or not. I anticipate that both the FCC and HEW will exercise their respective responsibilities in this area energetically, and in coordinated fashion to avoid duplication and confusion in their regulation. I do not anticipate that each agency will simply "pass the buck" to the other, but that they will make continuing efforts to carry out their separate mandates from Congress. In particular, I expect the Department of HEW to review in an affirmative fashion all EEO information supplied to it from the Corporation, as provided in this bill,

and rely upon the periodic review procedures of the FCC in this regard.

Mr. President, I think that public telecommunications in this country is at a crossroads. It must make fundamental decisions on its future direction. These decisions should not be made by the Congress or any agency of the Government. This bill expresses a vote of confidence in the ability of those in public telecommunications to make those decisions correctly, without overbearing guidance from the Government. That confidence could not be more expressly shown than in the increased levels of financial support, continuation of multiyear authorizations, and maintenance intact of the basic system of nongovernmental public broadcasting outlets throughout the country.

Public telecommunications, nevertheless, must be more accessible and responsive to the general public, to minorities and women, to new sources of creativity, and to the whole range of special interests concerned with the future of public telecommunications. Without such accessibility and responsiveness, public telecommunications cannot hope to reach a new sound definition of its nature and mission. S. 2883 gives public telecommunications the means to achieve the objectives of openness, responsiveness, and accountability. S. 2883 gives to those directly involved the tools to make public telecommunications into the system of excellence originally conceived by the Congress: in enacting the first major Public Broadcasting Act in 1967. S. 2883 will help public broadcasting achieve the credibility and stability it needs in order to become a major force in the new telecommunications era we are entering.

IMPROVING PUBLIC BROADCASTING

Mr. SCHMITT. Mr. President, I support S. 2883, the "Public Telecommunications Financing Act of 1978." This bill substantially increases the Federal monetary commitment to a public telecommunications system, while providing the system with incentives to achieve the openness and excellence the public rightfully expects and deserves.

S. 2883 contains new authorizations of \$580 million on a matching basis during fiscal years 1981, 1982, and 1983. The ratio of private funds to Federal money has been decreased from 2.50 to 1 to 2.25 to 1. This money is to be used for funding grants for production and acquisition of noncommercial, educational and cultural programs, interconnection of program distribution facilities and operations, and for discretionary grants to public television and radio stations.

The bill further authorizes \$40 million annually through fiscal year 1981 to assist in the planning and construction of public telecommunications facilities. This provision is intended to extend the delivery of noncommercial, educational and cultural radio and television programs to unserved areas.

The bill as amended authorizes \$1 million for telecommunications demonstrations in fiscal years 1979, 1980, and 1981. This money is to be used to promote the development of nonbroadcast facilities and services for the distribution of

health, educational, and social service information.

Since 1962, the Federal Government has demonstrated its commitment to a public communications system. Initially, this commitment consisted of a program of matching grants which were used to assist the development of noncommercial educational television broadcasting stations in unserved areas of the country. Since that time, the Federal Government's role has expanded to include assisting the development of a public broadcasting system which includes radio. Today there are approximately 260 noncommercial television stations and 959 noncommercial radio stations on the air.

This bill recognizes that other technologies are now available for the dissemination of educational and cultural radio and television programs. Therefore, it provides assistance to public telecommunications entities which are defined as "any enterprise which (A) is a public broadcasting station or a noncommercial telecommunications entity and (B) disseminates noncommercial educational and cultural radio or television programs to the public." Coaxial cable, fiber optics, and lasers are among the technologies that can benefit from this bill.

In the 16 years since the Federal Government's initial commitment, public support for the system has grown. As a result of the combined resources of the Federal Government, State and local governments and the public, quality programming for diverse audiences is closer to realization.

However, many problems remain unsolved. There was evidence before the Communications Subcommittee of political influence, waste, and inefficiency, and lack of control over inventory. The internecine rivalry between the Corporation for Public Broadcasting (CPB) and the Public Broadcasting Service (PBS), including the possible overlap in their functions. National Public Radio's lack of fiscal responsibility, and the apparent limited opportunity for independent producers, have not promoted the public interest.

What concerned me most, however, was the evidence of the inappropriate desire of some officials in public broadcasting to transform the system into a fourth network in competition with the three commercial networks. I was pleased to read therefore a recent statement by Charles Allen, the program manager of the Los Angeles Public Television Station KCET, that the inauguration of public broadcasting's satellite distribution system has ended "the Public Broadcasting Service's perennial dilemma over whether it should strive to be a fourth TV network." His statement continued, "the increasing selection and flexibility provided by the satellite . . . will present each public station opportunities to program specifically for its market."

I hope Mr. Allen's prediction is accurate. In my judgment, the Congress cannot allow public moneys to be used to foster the development of a centralized public broadcasting network. The hear-

ings of our Communications Subcommittee clearly indicate that the potential for abuse is great with such a system. As the public broadcasting satellite distribution system is phased-in, the Congress should insure that the potential for "selection and flexibility" in that system is fulfilled.

Along these lines, Mr. President, it is most important to insure that independent producers have access to the public telecommunications distribution system. We do not need a fourth network but we do need a reservoir of good programs. Independent production entities or persons should be able to distribute programs without a centralized "gate keeper" making evaluative judgments about content. This desire is consistent with the original Public Broadcasting Act's intent to bring to the American people "programs of high quality obtained from diverse sources . . . made available to (local) stations who choose to use them at times chosen by the (individual) stations."

Again, Mr. President, to insure a reservoir of such programing, the individual stations must have the same opportunity to develop, distribute, and air programs some of which may be local in appeal, others of which may well have a broader, regional or national appeal. In any event, they should not have to air programs which are part of the so-called network system simply because they are not allowed to develop alternatives.

Unfortunately, I cannot represent that this bill will cure all the ills of the public broadcasting system. However, I can say with confidence that this bill, in conjunction with a responsible attitude on the part of the officials in the system and vigilance by the public, may assist public broadcasting in achieving its original goals.

As I have already indicated, the bill increases the Federal financial contribution. However, that increase is tied to more effective accountability of public broadcasting to the public it serves. The bill requires GAO, in consultation with CPB and others, to develop accounting principles that will be used uniformly by public telecommunications entities. It requires them to undergo an annual audit by independent auditors and maintains and strengthens the present authority of GAO and CPB to audit recipients of assistance. Specifically, it permits GAO to audit all financial information that relates to public telecommunications purposes "including all funds received by such entities from any private or governmental source, and all funds expended for any purpose. . . ." This language is intended to permit a comprehensive review of the financial operations of these recipients.

The bill also establishes a policy of open meetings for all public telecommunications entities, including CPB, PBS, NPR, and any other nonprofit institutions engaged in the production, acquisition, distribution, or dissemination of educational and cultural radio or television programs.

The bill outlines clear standards and procedures for enforcement of equal employment opportunity through rules, regulations, reporting requirements, and the

penalty of loss or reduction of Federal support for violations.

In summary, Mr. President, S. 2883 will help public broadcasting "get its house in order" so that all segments of the American public will have available the quality programing that the public broadcasting system has promised for so long.

Mr. President, in addition there are two areas of concern that need to be emphasized for the purposes of legislative history. The majority and minority managers agree on the following statements:

Title I of S. 2883 provides Federal support of the planning and construction of public telecommunications facilities. Applicants for facility construction grants under title I, must provide certain assurances to the Secretary of Commerce. Among the required assurances is that the planning for such facilities has been coordinated with the appropriate State agency. It is expected that in fulfilling this requirement, applicants will provide copies of their applications for construction grants to the designated State agency.

Title III provides new audit and accounting procedures. In light of financial abuses that become evident during our Communications Subcommittee hearings, the committee developed new procedures which I expect will insure greater financial accountability for the expenditure of public funds, as well as those received from private sources. While it is recognized that this extends the Comptroller General's access to all financial information of public telecommunications entities receiving Federal funds, the committee believes this to be necessary as in fact, all moneys received by public telecommunications entities are from the public. Community service grants received from CPB are often commingled with funds received from the facilities grant program, as well as moneys received from private sources. If the public is to receive an accurate financial accounting reflecting the receipt and expenditure of funds, it is necessary to expand the Comptroller General's authority. However, I want to emphasize that it was not the committee's intention to require licensees to establish duplicative financial reporting systems. University or college licensees, for example, which are subjected to comprehensive annual audits by a State will not be required to obtain an additional annual independent audit because of the provisions of this bill.

UP AMENDMENT NO. 1844

Mr. HOLLINGS. Mr. President, I send to the desk several technical amendments. I have just checked these with my ranking colleague, the distinguished Senator from Michigan (Mr. GARNER). These technical amendments are being offered, and I request their immediate consideration en bloc. I ask unanimous consent that they be considered en bloc, three amendments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS) proposes an unprinted amend-

ment numbered 1844, being technical amendments.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 2, insert the following:

"Sec. 108. The position of Deputy Assistant Secretary of Commerce for Communications and Information, established in Department of Commerce Organization Order Numbered 10-10 (effective March 28, 1978), shall be compensated at the rate of pay in effect from time to time for level V of the Executive Schedule under section 5316 of title 5, United States Code."

On page 8, immediately after line 25, insert the following new subsections:

"(c) The personnel employed in connection with or in support of, or as an integral part of the mission of, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, arising from, available to or to be made available to or to be made available in connection with the functions transferred to the Secretary of Commerce from the Secretary of Health, Education and Welfare by subsection (b) of this section, subject to section 262 of the Budget and Accounting Procedures Act of 1950, are hereby transferred to the Secretary of Commerce for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall only be used for the purposes for which the funds were originally authorized and appropriated."

"(d) The Director of the Office of Management and Budget, in consultation with the Secretary of Commerce and the Secretary of Health, Education and Welfare, is authorized and directed to make such determinations as may be necessary with regard to the transfer of the functions transferred to the Secretary of Commerce from the Secretary of Health, Education and Welfare by subsection (b) of this section and to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, allocations, and other funds held, used, arising from, available to or to be made available in connection with the functions transferred by subsection (b) of this section, as he may deem necessary to accomplish the purposes of this Act."

On page 29, line 3, immediately after "to", insert "individual".

On page 35, line 5, strike "qualified".

On page 35, line 6, strike "entities" and insert in lieu thereof "entities and public broadcasting entities".

On page 12, line 11, insert the following immediately after "1978": "\$1,000,000 for the fiscal year ending September 30, 1980, and \$1,000,000 for the fiscal year ending September 30, 1981."

On page 29, line 18, immediately after "reports", insert "or other information regarding finances".

On page 16, line 16, strike "that".

On page 16, line 21, strike "that".

On page 17, line 4, strike "that".

On page 17, line 10, strike "that".

On page 17, line 11, strike "private corporation".

On page 19, transpose lines 20 and 21.

Mr. HOLLINGS. These amendments accomplish the following objectives:

To authorize a second executive schedule position within the National Telecommunications and Information Administration of the Department of Commerce, at the same rate of compensation

already provided for. This amendment would not constitute a pay raise.

To clarify the transfer of personnel and assets for the educational broadcasting facilities program from the Department of Health, Education, and Welfare to the Department of Commerce.

To assure that the "personnel matters" exemption to the open meeting requirement of the bill relates to the privacy of individual, specific employees, not to discussion of general personnel policy matters, which should be open to the public.

To make the EEO provisions in the bill apply to all job applicants and employees.

To make all recipients of funds from the Corporation for Public Broadcasting subject to the bill's EEO provisions, including PBS and NPR.

To provide for authorizations of appropriations for telecommunications demonstrations to run concurrently with the telecommunications facilities authorizations.

Several clerical and technical changes to delete redundant wording, conform parallel language and correct a printing error.

These have been cleared, and I ask that they be considered en bloc and agreed to en bloc.

THE PRESIDING OFFICER. The Chair would remind the Senator from South Carolina that there are committee amendments pending, and it will require unanimous consent to consider these at this time. Is the Senator seeking that unanimous consent?

MR. HOLLINGS. That is right. I seek such unanimous consent.

THE PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator is also asking that these be considered en bloc, and is asking unanimous consent?

MR. HOLLINGS. Yes.

MR. PROXMIRE. I understand the Senator is offering those amendments and that they be considered as original text?

MR. HOLLINGS. Correct.

THE PRESIDING OFFICER. Without objection, they will be considered en bloc.

The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

MR. HOLLINGS. I yield to my ranking member.

MR. GRIFFIN. Mr. President, I ask unanimous consent that privileges of the floor be granted to Hugh Hadden and Eric Hultman of Senator Thurmond's office; Tim McKeever of Senator Stevens' staff; and Mr. Marc Steinberg of my staff.

THE PRESIDING OFFICER. (Mr. Stone). Without objection, it is so ordered.

MR. GOLDWATER addressed the Chair.

MR. JAVITS. Mr. President, I ask unanimous consent that Senator Goldwater may yield to me without losing his right to the floor, and that I will only keep it for a minute.

MR. GRIFFIN. I thought the Senator wanted to make a unanimous-consent request for privileges of the floor.

MR. JAVITS. No.

MR. GRIFFIN. Mr. President, this bill before us today, the Public Telecommunications Financing Act of 1978, represents the first thorough effort by Congress to examine the Public Broadcasting Act since its passage in 1967.

The Public Broadcasting Act has the most worthwhile objective of attempting to meet the educational and cultural needs of the American public. As part of this objective, the Educational Television Facilities Act provides important grant program funding to public stations so that they may purchase needed equipment and construct necessary facilities.

The bill before us today amends these acts in an attempt to make public broadcasting more effective and responsive to the public interest.

Of particular relevance is that S. 2883, the bill we are now considering, amends the Public Broadcasting Act of 1967. There can be little question that when enacted, this act represented an unprecedented undertaking: the creation of a private corporation; namely, the Corporation for Public Broadcasting, authorized to expend Federal appropriations for the full development of educational broadcasting.

Our legislative mandate to the Corporation for Public Broadcasting requires that in funding noncommercial licensees, the Corporation is authorized to—

facilitate the full development of educational broadcasting in which programs of high quality, obtained from diverse sources, will be made available to noncommercial educational television or radio broadcast stations, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature...

In mandating that the Corporation adhere to objectivity and balance in all programs of a controversial nature, Congress declined, for sound constitutional reasons, to become involved in the program judgments of publicly funded licensees.

Nevertheless, the U.S. court of appeals has made it clear that Congress alone has the oversight responsibility to enforce the statutory mandates of the act. This can be best accomplished, held the court, through our control over the appropriation process.

Although Congress should not and cannot act constitutionally as a censor over noncommercial licensees funded by the Corporation, it is clear that we do have certain responsibilities in controlling the purse strings: First, whether the Corporation is facilitating the full development of educational broadcasting in which programs of high quality, obtained from a variety of sources, will be made available to noncommercial educational broadcast stations? Second, because these programs are funded by the public, as a whole, do they present an objective and balanced presentation of the controversial issues raised?

It is solely up to us, not the individual citizen or any other entity, to assure that these statutory mandates are carried out. Because of the importance of this issue, I will during consideration of this bill offer an amendment which will help assure Congress that it will

cise this oversight function in a responsible manner.

Finally, Mr. President, I want to acknowledge the outstanding leadership of the chairman of the Communications Subcommittee, the Senator from South Carolina (Mr. Hollings). He has guided this important legislation through the Senate with skill and adroitness. He has given the Senator from Michigan every courtesy in the consideration of this bill.

In addition, I want to express my appreciation to the Senator from New Mexico (Mr. Schmitt) and the Senator from Arizona (Mr. Goldwater) for their exceptionally able participation in the development of this legislation; particularly their attendance at the committee hearings on this bill.

MR. PRESIDENT. I now yield the floor.

MR. GOLDWATER. Mr. President, I yield such time to the Senator from New York as he may desire, without losing my right to the floor.

UP AMENDMENT NO. 1845

MR. JAVITS. Mr. President, if I may have Senator Proxmire's attention, I have another hearing and I have a small procedural amendment which I will describe first before asking unanimous consent to have it considered. It will take just 1 minute.

This bill calls for uniform accounting principles by stations which get any loans or assistance from the PBC. Channel 13 in New York feels it may be too onerous for them—and other stations Senator Hollings informs me have similar problems—so we are about to write into the uniformity section the following words: "taking into account organizational differences between and among various categories of such public telecommunications entities."

If there is no objection, I ask unanimous consent that the amendment may now be considered and adopted as part of the bill, notwithstanding the pendency of committee amendments, and I send the amendment to the desk.

THE PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will report the amendment.

The second assistant legislative clerk read as follows:

The Senator from New York (Mr. Javits) proposes an unprinted amendment numbered 1845.

The amendment is as follows:

On page 32 line 14 after the word "part" insert the following: "taking into account organizational differences between and among various categories of such public telecommunications entities"

MR. JAVITS. There is no further debate necessary unless there is objection.

THE PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

MR. JAVITS. I thank my colleagues.

THE PRESIDING OFFICER. Does the Senator from South Carolina wish to offer the committee amendments and offer them as original text?

MR. HOLLINGS. I so make that request.

Th

objection? The Chair hears none, and it is so ordered.

The committee amendments were agreed to.

UP AMENDMENT NO. 1846

(Purpose: To prohibit certain discrimination by the Federal Government in providing programs)

Mr. GOLDWATER. Mr. President, I send to the desk an unprinted amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The second assistant legislative clerk read as follows:

The Senator from Arizona (Mr. GOLDWATER) proposes an unprinted amendment numbered 1846.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, line 2, strike out the quotation marks and the period following, and between such line and line 3 insert the following:

"(d) Any department, agency, or part of the Federal Government which provides a television or radio program to a public broadcasting entity shall make such program available, on the same basis, to commercial broadcasting licensees."

Mr. GOLDWATER. Mr. President, our consideration of S. 2883, the "Public Telecommunications Financing Act of 1978," provides an appropriate occasion to discuss a subject which has required more of my attention during this administration than in any other that I can remember: the manipulation of the electronic media by the White House.

I realize that it is not new for an incumbent administration to try to use the media so that the administration and its policies are cast in a favorable light. Unfortunately, this practice probably started with the advent of broadcasting, despite the fact that freedom of the press, including the electronic press, is one of our most cherished freedoms.

In 1975 it was reported in an article by Prof. Fred Friendly in the New York Times Magazine that the fairness doctrine was used by Presidents Kennedy and Johnson to stifle criticism of their administrations from conservative broadcasters. In fact, according to Friendly, the landmark Red Lion decision which upheld the FCC's personal attack rules, resulted from these campaigns to silence the opposition.

More recently, of course, the Nixon administration was accused of attempting to intimidate the media, and according to the White House tapes, President Nixon even threatened to use the FCC's license renewal processes against his media opponents. I am sure that there are examples of abuses in other administrations that will be revealed with the passage of time.

Unfortunately, the Carter administration is breaking new ground in its attempts to acquire a favorable media image. White House staff members are even trying to manage the news. This

administration has moved menacingly first into public broadcasting and more recently into the commercial area.

I am sure that many of my colleagues are aware of what some are now calling the "Horowitz Affair." According to news reports the White House decided to use the Vladimir Horowitz concert to bring the Carter cultural philosophy to the American people. Public Broadcasting, which is subsidized by Federal funds, was chosen as the vehicle to achieve this purpose. Public Broadcasting participated willingly. What else would we expect? Soon after President Carter's inauguration, the president of the Public Broadcasting Service, Lawrence Grossman, and the president of a Washington public broadcasting station, WETA, wrote to President Carter that:

The Public Broadcasting Service, which is a membership organization of 267 local public television stations in communities around the country, and WETA Washington, which serves the stations as a major producer of current events programs, would be pleased to work with you to open channels of communication with the American people.

The request for coverage of the Horowitz concert came from Barry Jagoda, then the President's media advisor. Mr. Jagoda, at the time, was involved in drafting authorization legislation affecting public broadcasting's future, development of the President's budget with respect to public broadcasting, and assisting in the selection of nominees for the board of directors of the Corporation of Public Broadcasting. Of course at the same time, Mr. Jagoda was in charge of polishing up the President's tarnished media image.

The concert was a great success, but the White House role did raise serious questions about government influence over PBS programming. As a result of press reports, I asked the subcommittee chairman, Senator Hollings, to invite Mr. Jagoda to testify before our subcommittee, to explain his role in effecting communications policy and nominations to communications positions. Mr. Jagoda declined to testify. I still have some questions that I would like to ask him, but in July he was replaced by Gerald Rafshoon. The subcommittee chairman and I conferred with Mr. Rafshoon shortly after his appointment. He assured us that he understood the sensitive relationship between the White House and the media.

However, soon thereafter the White House became more aggressive in its attempts to influence coverage by commercial broadcasters. The August 1, 1978 edition of the CBS Evening News reported that:

(u)nder the guidance of the Administration's new image builder (Gerald Rafshoon), the White House has gone into the television business.

Now, Mr. President, I am very concerned about this. I know that my chairman is concerned about this. We have discussed it, and I am appealing to him through these words to set up hearings at a proper time so that we can get into this whole question. But I want to continue just for a short while.

According to the report, the White House is now offering Cabinet members for interviews by local television stations at the taxpayers' expense. Costs for the tape, equipment, crew, and shipment of the tape airfreight to the station are all borne by the taxpayers.

Even more disturbing is the fact that the local stations contacted by the White House are not permitted to interview a Cabinet member of their choice, but must take whomever the administration is featuring. Apparently, many stations have been delighted to "get an interview with a member of the Cabinet, which they otherwise could not afford," and are taking advantage of the White House offer. It was not clear from the CBS report just how extensively Mr. Rafshoon intends to distribute these Government tapes.

This practice strikes me as a clear-cut abuse of television in an attempt to present news favorable to the administration. There is a very real danger that stations, which must be licensed by the Federal Communications Commission, may feel compelled to provide administration spokesmen with a forum, even though they are not in a position to select the Cabinet member they desire.

The initiation of this practice so soon after the controversy surrounding the White House staff efforts to influence programs on public broadcasting, indicates that the White House staff is not yet sufficiently sensitized to the delicate constitutional issues raised by Government interference in the electronic media.

The purpose, Mr. President, of my amendment—and I do not intend to press it—is to make it possible for the established networks, CBS, ABC, and NBC, to attend these Sunday afternoon or Sunday evening expositions of high culture at the White House if they care to. Maybe they do not want to; but if they care to, I think they should be allowed to, just as public broadcasting is allowed to. We do not know whether they care to or not, because we have not had hearings, and I implore my chairman to hold hearings as soon as possible, to see whether they care to attend these cultural extravaganzas.

I think the American people can always stand a little more culture, but I do not know as all of them want to pay for all the time.

Further, an announcement that PBS will televise a series of special events honoring world-renowned concert artists this fall raises a further question about White House intentions to use public broadcasting for political purposes and the apparent willingness of PBS to be used for that purpose. I believe we must consider this legislation in this context of White House efforts to subvert the first amendment. It may be necessary in the future to consider whether additional action is appropriate to insure that commercial and public broadcasting are free of governmental influence.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. GOLDWATER. That is the intent of my amendment. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I

commend the distinguished Senator from Arizona for this amendment, and also for his excellent statement. I think few of us realize the overwhelming effect that radio and particularly television have on our society. It is tremendous.

We also realize the great dominant office in this country is that of the Presidency; and if the President is able to have an influence on the culture of this country, it is something that we should be aware of.

I intend to dwell on this subject further a little later in connection with an amendment I intend to offer in connection with the influence an administration—any administration, whether it is Kennedy, Johnson, Nixon, Ford, or Carter—can have on the commercial television stations, and why we should be very much aware of that, and aware of the fact that there is a kind of censorship in this country if we open our eyes to it. We should be constantly aware of that, and keep our eyes open; so I particularly congratulate the Senator from Arizona on his efforts along that line in connection with the amendment he is offering.

GOLDWATER. Mr. President, what the Senator from Wisconsin has said is very true. If these cultural afternoons or evenings were made available to the other networks, I would not complain. As I say, they may not want to bother with them. But it does not take a great deal of imagination or understanding to understand the terrific impact of a genius like Horowitz being brought into our living rooms on a Sunday afternoon or Sunday evening from the White House, by a Public Broadcasting System.

Not only that, they are using equipment that we have paid for as American taxpayers. They are mailing these pieces out across the country at our expense. There is a grave question in my mind about the legality of that.

In fact, the Compliance Division of the Programming Section of the FCC believes there is no legal restriction on programming of public events by commercial TV. On the other hand, there is no FCC rule allowing commercial television access to events occurring at public places, and it has been held that the Government can deny access to commercial broadcasters if it wishes.

I do not care whether it is a Democratic President or a Republican President, because I have to admit the Republicans have been guilty of this just as Democrats are being guilty of it, but I would like to see some better understanding come about as to whether they are violating the law or not, or as to whether these other networks can go into the White House at these cultural events and participate.

MR. WEICKER. Mr. President, will the Senator yield?

MR. GOLDWATER. I yield.

MR. WEICKER. Mr. President, I commend the Senator from Arizona on his amendment, and more particularly on his words of admonition. There is no question as to the fact that this should be a matter of concern to the Senate

now, under the circumstances that the Senator has described.

Certainly, in hearings held over the past several years, regardless of administration, the issue has been raised. As the Senator from Wisconsin says, this is a matter that has enormous impact, and in the hands of any administration, ill-used it could in effect be a method of thought control in this country; it is as simple as that.

I do not know how we are going to get away from this, whether it be influence by Congress, which also has a hold on public television, or influence by the Executive, until the day comes that we set up some kind of program policy with massive financing, and then get the heck out of that business and allow the monies to take care of public broadcasting either to be seed money to attract other money, or in some other fashion. Because there is always a danger in Congress having a connection with public broadcasting.

But I will also note, at this juncture, that if there is a problem of the Chief Executive being in television, there is also one of the two political parties, because as the rules are worded and interpreted, the only candidates who are going to be heard are the Republican and Democratic candidates. So let us understand that these principles we are speaking of also apply to us in this body.

But I think what the Senator from Arizona has put forth here is terrific, and believe me, I have a strange feeling that there is something very prophetic in what he is saying to the U.S. Senate at this juncture. We have to come to grips with the problem sooner or later, or it will come back to haunt us.

MR. GOLDWATER. Mr. President, I yield to the chairman.

MR. HOLLINGS. Mr. President, let us be a little bit more deliberate and a little bit more cautious before we charge and try to convict the President and the administration on what could well be a bum rap. That does not mean that we are not concerned. As the Senator from Arizona has pointed out, the Horowitz affair did bring out the inference that the White House was pressuring Public Broadcasting to cover it.

We do know that the former PR representative of the President bragged openly about his influence, and called the Public Broadcasting bill, the one we now have under consideration, his bill at one time.

Of course, it is not. It is our bill from the Commerce Committee. In fact, we did the principal draftsmanship on it even before the House did, and then we got our distinguished colleague on the House side, LIONEL VAN DERLIN to submit it there at the same time we submitted ours.

We did have that conference with Mr. Jagoda separately, and since that time he has moved on, and we have had a conference with Mr. Gerry Rafshoon, and explained our concerns.

I reiterate my concern, similar to that of the Senator from Arizona, that we not have Presidential and political influence over the policies and program-

ing of Public Broadcasting. I do not think, necessarily, that has occurred. When I heard about the TV articles, and my friend Senator GOLDWATER was courteous enough to correspond with me and sent me one article, I did call Mr. Rafshoon and ask him about it. It was his answer at that time that the Public Broadcasting Service had called and asked the White House for coverage on Mr. Rostropovich, a particular program, and similar cultural programs that they have. As of this minute, as lawyers we could say the best evidence is that Public Broadcasting is the one that requested, and the best evidence is that no one has been excluded. That is why I say let us be very cautious before we indict, try, and convict, because these folks who write magazine articles just love to run off and make a touchdown in the wrong direction.

With respect to access, I agree with what the Senator from Arizona was reading as to the FCC rules and regulations. I know, as a Senator, that if I have a hearing or if I have a news conference, in our committee, for example, that is equally accessible to both Public Broadcasting and to commercial TV.

If the Senator would like to require that, I could see no danger in it. At least we would have it with us in conference to see if we could find something wrong with it with the conferees on both sides.

The amendment now reads, "Any department, agency, or part of the Federal Government which provides a television or radio program."

I think as the Senator has indicated, "which provides access to an event of such department, agency, or executive department to a public broadcasting entity, they shall make such access available on the same basis," not the program or whatever it is, I think the only one department we have formulating programs in that sense is HEW. Maybe there are some in Defense. I think access is well taken. I do not think they are excluded from it, and I see no danger to it.

I have asked the President's public relations counsel, Mr. Rafshoon, to contact the Senator from Arizona. I think he has done that and they have set up a time when they can confer. We will watch it closely. We remember the movies put out during the war on Vietnam under President Johnson. Under President Nixon, I happened to support the appointment of Clement Haynsworth, in fact suggested it, and I wish the Senate had confirmed him. He is a distinguished judge now in the Fourth Judicial Circuit and many Senators since that time have regretted their failure to vote confirmation. The executive department orchestrated appearances for the Senator from South Carolina at that time because the executive department has that power. They know how to get exposure for their supporters.

It will not be an easy thing to write in the law. The President, such as coming in the night before last on TV at 11 o'clock, was breaking in on all the programs, but no one would dispute the reasonableness of that. It was historical.

That was access to commercial and to public broadcasters as well.

The President is our President, and if he goes culturally I would have thought some of my friends distant from our section of the country would have said, "Well, now, he is at least getting some culture, instead of just fishing in a pond with country music. Now we have Rostropovich and Horowitz. We down South now are getting a little culture, and it is good to show the President getting that exposure."

I really do not believe that the President is demanding what perhaps happened in the Horowitz case. On the contrary, public broadcasters are the ones who requested it. But let us make sure that access is equally available, as it is with any one of our particular events, hearings or otherwise, here in the legislative branch. I readily accede to that. We can still continue.

As I was telling the Senator in our brief conversation about this amendment, we will bring this up at a hearing.

Mr. GOLDWATER. Mr. President, I realize this is an easy case to state but is not an easy case to decide, particularly on the floor of the Senate when the idea of the amendment just struck me literally a few hours ago. I am meeting with Mr. Rafshoon on Thursday, I believe. I do not know if this is the subject he wants to discuss with me or not, but I assume after today it will enter into the conversation at some length.

I have great respect for my chairman. We have worked together very, very well. I would like to have his assurance that we could hold at least one hearing and invite the networks and Public Broadcasting. We may find that the networks do not give a darn about this thing.

In fact, I kind of yield to the southerners; I like that hillbilly music. It is hard for me to understand that highfalutin stuff. Maybe I ought to listen to Mr. Rafshoon more often.

If the Senator will give me the assurance that we will hold a hearing sometime before the end of this year on this subject, giving our own staff members, which I will have to admit I surprised today, a chance to look into the law and legalities of this, and allow the FCC a chance to present what they consider the legalities or illegalities, I do not care to push my amendment. I merely want to get something started that will clear this thing up.

Mr. HOLLINGS. Very well, I will make those assurances to the Senator and even further assurances about other matters. One of the articles was that there was some question about the equipment, the tapes, and the cost. We want to cover that, too. I understand the Department of Defense assigns the communications team to the White House. The team is really on the payroll of the Defense Department.

Mr. GOLDWATER. That particular kind of abuse, as I see it, stems from whoever it is in the administration selecting a Cabinet member and having him available to answer telephone questions or make his own speech using equipment that comes, I believe, from the

Pentagon. The statement was equipment that is not being used by other departments of the Government. But somebody has to operate it; somebody has to provide the visual tapes; somebody has to mail it. It costs money. I would like to get that cleared up. If they can use surplus equipment out of the Pentagon for those purposes, I suggest that the party not in power might be able to do the same thing.

Mr. HOLLINGS. Let us have that hearing because I have different feelings. I do not think it is surplus. I think the President ought to be covered. I know executive departments and the various cabinet members are constantly out proposing programs, listening, having hearings, going public. I am not going to get prudish about this, but here are Senators, individuals, and we are constantly being interviewed and sending tapes back home ourselves. We are in a similar kind of situation of trying to make certain that our views and our conduct in office in Washington are brought to the people at home. What is the difference?

In fact, I complained about a Coast Guard plane. We can get into all kinds of good subjects of equity. I was trying to get the Coast Guard into an ocean agency. The claim has always been that they kept the Coast Guard in Transportation so that was fast, clean travel for that Secretary and all the rest of the Secretaries. We brought up the actual travel documents to show how they were racing them all around the country.

So when the Senator gets the tapes, maybe we can get the planes and maybe get some of these other areas. We will get into all kinds of extraneous subjects. Let us not press it at this particular time when we frankly do not know.

Mr. GOLDWATER. The big difference, of course, is that the Senator and I pay for it. We do not have the Department of Defense or the Department of Interior making available facilities for events which involve the Senator from South Carolina and the Senator from Arizona.

If the Senator will give me his assurance that he will have such a hearing that can be perfectly well set up by the staff, I shall be very happy to withdraw.

Mr. HOLLINGS. I give the Senator that assurance.

The PRESIDING OFFICER. Does the Senator withdraw his amendment?

Mr. GRIFFIN. Will the Senator yield to me before doing that?

Mr. GOLDWATER. I yield to the Senator from Michigan before I withdraw the amendment.

Mr. GRIFFIN. I do not want to talk him out of withdrawing his amendment, but I point out to the Senator from Arizona that if the bill before us passes, we shall be authorizing, 5 years in advance, public television program operation. I shall have an amendment to limit that to 3 years, which is what we have been doing in the past. It is true, of course, that even though we pass an authorization bill 5 years ahead, I suppose that it is possible that the Senator from Arizona could have some hearings and try to get a bill passed that would have some effect on public broadcasting. The only thing I can say to the Senator from

Arizona and to others is that it is an awful lot of years to have some impact at a point where there is an authorization bill going through.

I think we would be making a big mistake as far as our own responsibilities are concerned if we do not cut that authorization back to 3 years rather than 5 years, so that we will at least have an opportunity in that period of time to do something to this legislation.

Mr. GOLDWATER. I agree with the Senator. I think 5 years is too long and I shall vote with him on 3.

Mr. GRIFFIN. I just wanted to make that point.

Mr. GOLDWATER. I should hate to see this amendment offered and defeated, because we have not had adequate time to prepare our arguments. I think defeat of this amendment could indicate political favoritism by one side or the other, or political inavete, whichever he wants to choose.

Mr. President, I ask unanimous consent that I may withdraw my amendment.

The PRESIDING OFFICER. The Senator does not need unanimous consent. If the Senator wants to withdraw his amendment, he may do that.

The amendment was withdrawn.

UP AMENDMENT NO. 1847

(Purpose: To authorize volunteer services to be counted as "non-federal financial support" for matching grants provided by the Corporation for Public Broadcasting)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposed an unprinted amendment numbered 1847.

Mr. JOHNSTON. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 39, strike lines 21 through 24 and add the following:

"(7) The term 'nonfederal financial support' means the total value of cash and the fair market value of property and services (including, to the extent provided in the second sentence of this paragraph, the personal services of volunteers) received—"

On page 40, add between lines 16 and 17, the following new sentence:

"Such term includes the fair market value of personal services of volunteers but only with respect to such services provided to public telecommunications entities and only, with respect to such an entity in a fiscal year, to the extent that the value of the services does not exceed 5 percent of the non-federal support of the entity in that fiscal year."

Mr. JOHNSTON. Mr. President, this amendment authorizes volunteer services to be counted as non-Federal revenue for matching grants provided by the Corporation for Public Broadcasting. It further provides a safeguard by setting a 5-percent limitation in the amount of non-Federal financial support attributed to volunteer services. This limitation will facilitate oversight by the Corporation for Public Broadcasting.

This amendment would allow Public Broadcasting stations to count volunteer services, as telephone answerers during pledge periods or on-the-air talent, as private matching funds up to 5 percent of the total non-Federal contributions received by a public telecommunications entity in a fiscal year. I want to emphasize, of course, that the total Federal matching contribution for this purpose is limited by Congress in the Public Telecommunications Financing Act of 1978 that we are now considering.

Mr. President, many Public Broadcasting stations, according to testimony before the House Subcommittee on Communications, are hard put to survive as broadcasters. This amendment will help these hard-pressed public stations to survive and to stay in business. Many precedents exist in other programs for this kind of matching fund treatment, including Heart Start, the Community Services Administration, the United Planning Organization, and the arts and humanities. In effect, this amendment also gives to low- and middle-income citizens the ability to contribute to public broadcast programming by making their contribution in services rather than in dollars.

Mr. President, the Corporation for Public Broadcasting should and, I believe, will provide guidelines detailing how volunteer service contributions shall be treated, putting limits, for example, on the number of hours a week and the maximum compensation per hour of volunteers and that sort of thing. The Corporation for Public Broadcasting should promulgate concise and simple rules or guidelines to implement a standard method of recording the value of volunteer services.

Mr. President, I think this is an excellent amendment to award the legitimate and important contributions of volunteers and to allow hard put public broadcasting stations to survive. I hope the chairman will accept it.

Mr. HOLLINGS. Mr. President, my distinguished friend from Louisiana talked to me about this. I have been giving my level best to determine what would be a dependable system for measuring volunteer services. There have been misgivings by those who had considered it heretofore. The argument for limiting the level to 5 percent—I think that this limitation is in the House bill—was that volunteer contributions could be subjected to abuse. The 5 percent would soon be considered inadequate and proponents would want 10 or 15 percent. It is one of these things that, in my opinion, is uncontrollable. As a veteran member of the Budget Committee, I hesitate getting into this area. Yet it may very well be an excellent idea.

We do not want to stultify the activity and enthusiasm that has brought public television to this particular point. I agree with the Senator's constituents on that point: Is there some way we can get the Corporation for Public Broadcasting to make us a study and recommendation? Every group wants to take a little percent here, a little percent there. The result is that to the Corporation for Public

Broadcasting has no discretion. It would be all percentaged, with little room for innovation or creativity.

If the Senator would not press amendment at this time, we can get a recommendation from CPB.

I am not opposing his amendment, nor am I accepting it. I think if we had a rollover, I would have to ask that it be opposed at this time, because I do not want it fixed in the bill. I have not heard from the CPB, and we have not been able to get a reasonable, rational form or dependable basis for measuring volunteer contributions.

Mr. JOHNSTON. Mr. President, do I understand the chairman to be saying that we could seek that opinion from the Corporation for Public Broadcasting?

Mr. HOLLINGS. Yes, and if they cannot give us one by the time of the conference, at least they could make a study and make a recommendation to us.

The chairman of the full Committee on Commerce is on the floor. He will assure the Senator from Louisiana and I will assure him that we will take it up as an amendment to this act at a later date, after study of that recommendation.

Mr. JOHNSTON. What the chairman is saying is if we can get a recommendation that is consonant with good sense and good budgetary practice prior to the conference, the chairman of the subcommittee would be inclined to look on it favorably.

Mr. HOLLINGS. Favorably, yes, sir.

Mr. JOHNSTON. Mr. President, in view of that attitude on the part of the chairman of the subcommittee and his statement that he does tend to look on this favorably, that he does want to encourage volunteer activity, it is my belief that the Corporation for Public Broadcasting could give that opinion prior to conference and I believe it is in their interest to do so; I certainly would want to go along with the wishes of the chairman of the subcommittee and withdraw this amendment at this time, with the assurance that we get the Corporation for Public Broadcasting immediately to give us that opinion.

So, Mr. President, I thank the subcommittee chairman and I withdraw the amendment at this point.

Mr. HOLLINGS. I thank my distinguished colleague.

The amendment was withdrawn.

Mr. CANNON. Mr. President, I ask unanimous consent that Beverly Charles, of Senator JAVITS' staff, and Patty White, of Senator HAYAKAWA's staff, be granted the privilege of the floor during consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, may I say to my distinguished colleague from Louisiana, who is bound to be here longer than any of the rest of us, because he has just been reelected for a 6-year term, I can assure him that we will certainly look at him with deference on this point when it comes up. I congratulate him on his recent victory. That point is in the House bill, as he knows and we will certainly give con-

sideration to it in line with the assurance from the distinguished chairman of the subcommittee.

Mr. JOHNSTON. Mr. President, I thank my distinguished colleague from Nevada for those kind comments. I only hope he will not use my 6-year and 2-month term as an excuse for delaying the matter that long.

Mr. CANNON. Mr. President, the main purpose of S. 2883 is to extend and increase the authorization of funds for public broadcasting, improve the efficiency of the system, and expand its reach to viewers not being adequately served at the present time.

In 1975, Congress established the practice of authorizing public broadcast programming funds several years in advance, combining this with appropriations 2 years in advance. S. 2883 continues that practice by authorizing money through fiscal year 1983. The principle of multiple-year authorizations and advance appropriations continues to be sound, not only because it insures stability and continuity of program production, but also because it performs an important first amendment function. Public television and radio programming must be insulated from external political intrusion to the maximum extent possible, and freedom from annual authorization legislation provides the independence necessary to insulation without removing important standards of public accountability.

The bill does not effect any major changes in the system, but it does contain some modest provisions designed to strengthen financial management practices, increase public access to information and broaden the opportunities available to public broadcasting. The bill will make public broadcasting available to groups who have been unserved or underserved in the past, including minority groups, viewers in rural areas beyond the reach of existing transmitters, and independent producers who feel they have sometimes encountered a "not-produced-here" syndrome when attempting to sell their programs to public television and radio distributors.

Responsibility for enforcing equal employment opportunity is assigned to HEW. Past legislation had not clearly indicated who the responsible agency should be, and the Corporation for Public Broadcasting has asserted that its nongovernmental status would be compromised if it were asked to carry out this enforcement role.

The General Accounting Office is authorized to establish accounting principles for public television and radio stations and to follow up with audits where appropriate. In fiscal year 1977, the Corporation was able to audit fewer than one-third of its station grantees; of that number, 44 percent were classified as having "serious" deficiencies. Funds from all sources are frequently commingled by the recipients, making it difficult to distinguish the uses of public and private moneys. The bill gives GAO authority to examine the utilization of all such funds, but it clearly does not allow GAO, or any other Government en-

tity, to get involved in programing decisions.

Besides requiring stations to open their books to greater public scrutiny, the measure establishes a sunshine requirement for board meetings, with certain exceptions for matters which ought to be discussed in private, such as individual personnel matters and legal discussions.

Independent program producers and others may have access to the satellite interconnection system if excess capacity exists. The public television stations have in the past distributed their programs through A.T. & T. cables and microwave towers, but they are now in the process of changing over to a satellite distribution system. With most of the money coming from the Corporation for Public Broadcasting, four channels on a Western Union satellite are being leased for distribution to dish antennas on the ground. S. 2883 provides that excess channel time will be available to independent producers seeking to sell or distribute their programs to stations.

The facilities program presently located at the Department of Health, Education, and Welfare is being transferred to the Commerce Department and is further amended by S. 2883 to place important emphasis on extending the reach of public broadcasting to areas which do not receive adequate public signal reception. Funds for the purchase of all equipment, such as cameras and transmitters, is authorized at a level of \$40 million in each of the years 1979 through 1981. This increase of \$10 million over current levels is necessary in order to insure that equipment replacement activities can continue at adequate levels at the same time that increased expenditures are set aside for expanded coverage. Three-fourths of the funds appropriated must be spent to start new stations or extend the reach of existing stations to areas not presently served. Equally important, the fund is opened up for application to nonbroadcast technologies where appropriate. For small towns, remote from broadcast transmitters, the facilities money could be used to purchase access rights to cable TV systems. Rural school districts might find video tape recorders to be more cost-effective than new broadcast stations, and the particular needs of each unserved segment of the public could be met under the revised criteria of this legislation by the most appropriate means, without regard to the type of facilities or method of transmissions involved.

In sum, S. 2883 is a progressive, far-sighted bill. The Public Telecommunications Financing Act of 1978 will strengthen our public television and radio system and enable it to achieve its goal of programing excellence, while at the same time making it more responsive and accountable to the people it serves. Open meetings and open account books will expose it to the fresh winds of public opinion. We hope better access to the satellite interconnection system coupled with renewed interest by public stations will bring an infusion of new creative talent. Clear responsibility for EEO enforcement will assure a more diverse representation of viewpoints into the

studios and management offices. A strong facilities program will mean that all taxpayers—who support public broadcasting—will be better able to receive its programs and will be more likely to view programing that reflects their interests. The bill is a firm step toward a strong, well-financed, and innovative public telecommunications system, and I urge its adoption by the Senate.

Mr. President, I thank my distinguished colleague, the chairman of our subcommittee, for his leadership in this very important field.

Mr. HOLLINGS. I thank the Senator from Nevada for his wonderful help on this measure.

The PRESIDING OFFICER. Who yields time?

UP AMENDMENT NO. 1848
(Purpose: Relating to obscenity in broadcasting)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes unprinted amendment numbered 1848:

At the end of the bill insert a new section as follows:

"PROHIBITION OF CERTAIN TELEVISION BROADCASTING"

"SEC. 332. (a) The Congress finds that in view of the purpose of this Act, as stated in section 301, 'to maintain the control of the United States over all the channels of interstate and foreign radio transmission', television broadcasting stations should in the public interest be prohibited from broadcasting programs portraying nudity, obscenity, explicit sexual activity, gross physical violence or morbid torture, any of which are offensive to the public taste and morals.

"(b) The Commission shall as soon as practicable prescribe regulations prohibiting such broadcasting stations from broadcasting such portrayals of nudity, obscenity, explicit sexual activity, gross physical violence or morbid torture."

Mr. THURMOND. Mr. President, I rise today to offer an amendment which I believe may ultimately affect the attitudes, behavior, and moral fiber of the citizens of this great Nation.

With the advent of the television, all Americans—old and young, rich and poor—were given the opportunity to become a more meaningful part of our society. This medium was a giant step in modern technology and mass communications. Broad vistas of opportunities and challenges were opened to all who viewed these "images-on-screen." People could travel to the four corners of the Earth without leaving their living room. The confines of a classroom or library were removed, giving way to a vehicle through which all Americans could become better educated and improve their status of life. The impact of this invention is immeasurable, yet, Mr. President, this great gift to mankind has become a two-edged sword.

Recently, many Americans have become concerned about the effects that the television has had on young people during their maturation process. Edu-

cators like Dr. Benjamin Bloom, of the University of Chicago, maintain that by the time a child reaches 5 years of age, he has undergone as much intellectual growth as will occur over the next 13 years. According to the noted television pollster, A. C. Nielsen, children under the age of 5 watch an average of 23.5 hours of television a week. On the other hand, adults have a far greater appetite for television, consuming an alarming 44 hours per week; however, the effects on young people can be enormous and possibly dangerous. It has been estimated that by the time of one's high school graduation, today's typical teenager will have logged approximately 15,000 hours before a television screen. These are perhaps the most important years of an individual's life. They are growing years, the learning years.

Mr. President, I stand today not as a foe and archenemy of the field of television and its related industries, but rather as both a concerned parent of our children 7 years of age or younger, and as an advocate of responsible television programing. The question I place before the Senate today in the form of this amendment is whether we, as Senators, owe a duty to require responsible regulation of an industry which profoundly affects the attitudes, behavior and general complement of Americans.

Each of us recognizes that television broadcasting is unique because it is directed indiscriminately toward the public. In a different way from other media of mass communication, it is both pervasive and intrusive. The passive act of watching television is different, practically, socially and physically from obtaining literature or gaining admission to a movie theater. To gain access to risqué literature or motion pictures, a consumer must enter a store or theater and make a purchase. Bookstore and theater proprietors can easily exclude persons who are under age and thus reduce the likelihood that young children will be exposed to matters that are deemed unacceptable for their consumption.

Furthermore, the use of magazines, books, and movies are matters which parents find it both simple, and natural, to regulate. Parents can monitor both the movies their children see and the books they read. But television broadcasts are much more difficult for parents to supervise. Such broadcasts are easily accessible to young persons even in the privacy of the home, without the need for comparable affirmative acts. The offensive matter may be received and consumed with no one the wiser.

Thus, unlike a bookstore owner or theater operator, a broadcast licensee has no comparably effective means of sorting out and excluding youthful customers. Moreover, as is widely known and widely deplored in our society, television viewing for young children is an experience largely devoid of direct parental supervision. Although most parents monitor their children's viewing and listening habits some of the time—particularly during later evening hours when parents themselves place heavy reliance on broadcast media to satisfy

their entertainment needs—it is unrealistic to expect such close oversight all the time.

Mr. President, it is those times when unsupervised children are most likely in the audience that I express particular concern. It is at this time that I believe broadcasters must use the "public interest" standard, and program accordingly. A broadcaster should not force parents to accept the risk that their children will be exposed to portrayals of nudity, obscenity, and gross physical violence while in the privacy of their own home.

Mr. President, I believe that a licensee television network or station should conduct itself as a fiduciary with obligations to present those views and voices which are representative of the community which it serves. Also, the courts have long recognized the existence of a special societal interest in protecting young children from sexually explicit material. This interest is warranted not only by the State's interest in the moral and emotional adjustment of children, but also a recognition of parents' right to rear their children according to their own judgment.

Therefore, Mr. President, I believe it is entirely appropriate for Congress, through legislation, to assist the FCC to determine and define the standards by which the "public interest" is judged. It seems to me that an elementary standard of the "public interest" would be to take into account the concern that millions of Americans share about the level of sexual material, violence and carnage entering their homes.

Today, I am offering this amendment which would empower the FCC to prohibit television stations from broadcasting portrayals of nudity, obscenity, explicit sexual activity, gross physical violence, or morbid torture, any of which is offensive to the public taste and morals. The public deserves to be protected from broadcasting policies that undermine the moral fiber of Americans. I urge my colleagues to support this amendment.

Mr. President, all this amendment does is: It simply provides that television broadcasting stations, in the public interest, should be prohibited from broadcasting programs—of what kind? Programs portraying nudity. Is there a Senator in this Chamber who wants that kind of program broadcast? As to programs portraying obscenity, I cannot believe there is a Senator here who wants that. I am sure no Senator wants programs that portray explicit sexual activity, gross physical violence, or morbid torture. Psychiatrists have testified to the effect that these things cause a great deal of violence among the young people of this country, when they see them on television.

We believe that the public feels that it is offensive to the public taste and morals for those things to be broadcast.

That is all the amendment does, except that it is provided that the Commission, as soon as practicable, shall prescribe regulations prohibiting such broadcasting stations from broadcasting the things I have mentioned—that is nudity, obscenity, explicit sexual activity, gross physical violence, or morbid torture.

Mr. President, we feel that the public is entitled to this protection. We feel that parents want their children protected from these things that appear on television.

If it is desired to have risqué shows, let those shows appear in theaters or where people can make their choice. But when those things appear on television, they practically have no choice. The children in their homes want to see shows, and these programs appear whether they like them or not. There they are, and the children are going to see them. It certainly does not do the children good to see the programs of this kind.

I realize that the question might be raised as to the first amendment or about censorship, but I say this to the Senate, in good faith: The first amendment does not mean that anybody can say anything. The courts have held that. In other words, if a man rushes into a theater and yells, "Fire" when there is no fire, he has no right to do that. That is not freedom of speech as exercised and as construed under the Constitution.

We believe that this Commission should use its discretion and prohibit programs of the type I have mentioned. Suppose it is a form of censorship. A lot of things are forms of censorship. Freedom of speech does not mean that you have a right to say anything, anywhere, anytime, or show pictures anywhere, anytime.

We feel that this is important for the public good.

I ask my distinguished and esteemed colleague from South Carolina whether he can accept this amendment and see if we can have it adopted in conference.

Mr. HOLLINGS. Mr. President, I think my senior colleague knows better.

I say this as to the concern and what has been done for a most difficult subject: To begin with, Congress has been concerned with preventing obscenity, profanity, and indecency. Under title 18 of the United States Code, section 1464, both the Justice Department and the Federal Communications Commission are empowered to enforce the prohibition against obscenity, profanity, and indecency on the air waves. So the fundamental law is on the books.

Incidentally, I would not want to be technical at this point, but I do not think the amendment amends any section of our bill and further it is not germane because our bill has to do with Public Broadcasting, and it does not discuss program content. But I am not raising those points of order.

On the contrary, I am trying to address the concerns of the senior Senator from South Carolina.

The general law that the Senator speaks of is now on that book, and he agrees with it, and I agree with it. While there have been many attempts and failures in enforcement, the most recent case, of course, is Pacifica Foundation versus the FCC, or better known as the "seven dirty words" case, wherein a radio broadcaster just continually, habitually and constantly kept pumping into the airwaves a raucous set of four-letter, indecent words, during the daytime when children could hear and were likely to

hear. As the Senator says you cannot close their ears, and it can be heard.

The Supreme Court recently upheld the Commission, against that particular broadcaster holding that that broadcast was illegal under the Constitution and the criminal code. In other words, that was an upholding of a finding with respect to obscenity.

Generally speaking, obscenity and indecency have been equated as one and the same thing. In the FCC law it is not.

Mr. President, the Court went on to find that the true principal test of obscenity is whether or not the matter in question appeals to the prurient interests and has no literary value or redeeming social value to it.

But over and above that general rule, the FCC just without those particular tests can rule against indecency. But the hangup is that of attempting to be a King Solomon. How do you define obscenity? And therein we have tried, as the Senator from South Carolina knows. We constitutionally are somewhat restricted because of the difference in not the clear-cut cases, but the difference in opinion and difference in mores and customs. The Senator started out by saying just that, that what he would hope to do would be to affect the attitudes and moral fiber of our society. Perhaps personally I could agree with him but as a U.S. Senator let me say that I am not sure that we could agree on each one of the particular items that would be included in that fiber. When you come down to it what is obscene in language? Where does nudity begin and where does it end?

I also saw the 60-minute program during which there were bikini-clad, bathing suit-clad young ladies on the screen. Now many a beauty queen wins a contest as a result of that bathing suit exposure. Some will say that that is indecent; others will say it is prize-winning.

You could go right down the particular items of this amendment in a similar fashion: What is sexual activity, what is gross physical violence, and what is morbid torture.

As to the broadcasters, it should be stated for all to know and realize, that there is some feeling of public responsibility and morality amongst broadcasters. They have in the National Association of Broadcasters a morality-obscenity code, and they tried to do some self-policing though we do not think it is adequate, and the PTA does not think it is adequate either. The American Medical Association does not think it is adequate. By bringing to the advertisers attention the undesirability of these particular type programs, the PTA and AMA have been able to get them off the air.

National advertisers heretofore regularly paid for such programs because they got the greatest viewing audience and hence the greatest exposure for the sale of their particular product. As a result of the PTA and AMA, they are now being self-restricted and are canceling certain contracts and going to more family-type programs and those acceptable to the general public.

I applaud the work of the Parent-Teachers Association and the American Medical Association and I try with our Communications Subcommittee to bolster that in our oversight responsibility and bring the broadcasters to task and find out what they are doing.

CBS in particular had one gentleman who impressed me at our oversight hearings, showing how they took their particular movies and scripts and removed scenes they believed to be excessively violent, obscene or indecent. Each of the networks have similar reviews for all its programing, and this is healthy and helpful.

I think we have them moving in the right direction. I know that under our former chairman, Senator Pastore, with whom I was serving at that particular time on the subcommittee, we asked the question. What could we do constitutionally to control programing, especially the area of children's viewing, to insure that we have a family viewing time until after 9 o'clock at night? They adopted the family hour and it has been brought before the courts and found unconstitutional because of the way it was agreed to by the networks and the matter is presently on appeal.

So it had not been a lack of interest or a lack of concern, but there is an equal right here. There is an equal right. Some would say: "I put you to the wall. When you vote against this amendment you are voting for obscenity and for nudity, and for morbid torture."

But I think our society is mature and understanding and realizes that there cannot be this kind of blanket condemnation and then have it enforced any better than the general law that we now have on the books pertaining to obscenity, profanity, and indecency on the airways under title 18, section 1464.

And we may contest under that law and the FCC can move under that section and the broadcasters can move under that section, but we should not take the public broadcasting bill and act as if we do not give any concern whatever.

On the contrary, I have outlined our concerns, and I would hope that the Senator would not press the amendment because I am confident, as the Senator appeared before our committee and had a hearing, it was considered by his colleagues. As he said, he knows of no Senator who wants to knowingly present obscenity on the public airwaves, and that is very true. But then to get down to a redefining and a specifying under the law itself what that conduct really constitutes and how to block out conduct defined by judgment, you need a King Solomon. We continue to work on it, and I think the best approach is with the general statute that we now have on the books, coupled with the awareness that the public is beginning to demonstrate more and more every day. That was the pitch, incidentally, of the "60 Minutes" program, namely, that if the public did not turn it on, if they did not buy the products advertised, they could really cut it out in that fashion, and you would see far, far less nudity, obscenity, violence, and morbid torture.

But nothing was more morbid torture in all of our eyes than the news reports of the war in Vietnam, and no one in a second would say you could not have had those reports. It brought back the morbid torture of the war in Vietnam. Everyone would agree that those news reports were unfortunate but were properly carried on the airwaves and had a marked effect on this country in its conduct of its foreign policy and its venture into various wars around this globe.

We are going to continue. I would ask the senior Senator to press further in his campaign against obscenity and morbid torture and physical violence. I know this Senator will continue to press as the chairman of the subcommittee. But I do not know any better pressing that can be done at this particular moment other than the general statutes, and to use our oversight responsibilities and, as a committee, bring these broadcasters and bring the advertisers in and continue to do it in that particular fashion.

I think that is the effective fashion. I do not like to lead the public to believe that we are all-powerful. There are certain things a Senator cannot do. I wish this Senator really could put in one bill and stop inflation without throwing the country into a depression. I wish there was a bill that I could put in that would immediately hire all the unemployed. I know everybody is for Humphrey-Hawkins. Nobody believes in unemployment. But if there were some law, some practicable, reasonable, realistic approach to actually hire everybody in the country and finance it without throwing us into recession, depression, inflation, and generally wrecking the economy, every Senator would put that bill in.

I think we mislead, and we have been guilty of that so long—we mislead our constituency—when we act like other Senators do not care. We say, "Mr. Voter, I care. I am worried. But, you know, that hooky crowd up in Washington, they are not careful about this and they do not worry, and we just have to keep fighting."

I think that is one of the greatest disservices we can render our constituency, when we act as if obscenity can be done with a new statute.

We have the general statute on the books. The amendment to this particular Public Broadcasting bill is not going to enhance that in any fashion. I think the offering of the amendment and the dialog between the senior Senator and myself are going to have a helpful effect again on the broadcasters. But I hope he will not press the amendment further because then we will have to go into further debate. I would like to hear from the Senator, so let me yield at this time.

Mr. THURMOND. Mr. President, I realize it would be too late in this session to hold any hearings this year, and I am wondering if the distinguished Senator will—and I am sure he will—carry strict surveillance over this programing and also set some hearings for sometime next year on this question we have been discussing?

Mr. HOLLINGS. Very, very definitely. I am sorry that the Senator from Pennsylvania (Mr. HEINZ) left, because I

have been interested in children's broadcasting, and he has a children's endowment bill. We have had before us the children's advertising on sugared cereals where we opposed language in the Federal Trade Commission appropriation because we thought it was a function of the authorizing or legislative committee not the appropriations committee to address the issue. So we are going to be going into all children's programing in the authorizing commerce committee, we will go directly into those being affected by these obscenities, nudities, and physical violence and morbid torture.

So, we are definitely going to set those hearings next year, and we would welcome the Senator's appearance at that time.

Mr. THURMOND. Mr. President, in view of the fact that hearings will be held on these matters concerning children in which, as a parent, I am very interested, and for the other parents of this country, too, I am willing to withdraw this amendment and let the hearings be held, and we will see what comes out of that.

I wish to thank the distinguished Senator.

Mr. HOLLINGS. I thank my distinguished colleagues for bringing it to our attention.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 1849

(Purpose: To delete funding past fiscal year 1981)

Mr. GRIFFIN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. MENZENBAUM). The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. GRIFFIN) proposes an unprinted amendment numbered 1849.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, strike all from "For" on line 23 through "1983," on line 24, and insert in lieu thereof "For the fiscal year 1981."

On page 26, lines 4-5, strike "and \$200,000,000 for each of the fiscal years 1982 and 1983"

On page 28, strike line 1, and insert in lieu thereof "During the fiscal year 1981, such."

On page 28, strike lines 14-19.

Mr. GRIFFIN. Mr. President, at the present time the Corporation for Public Broadcasting has advance authorizations for 3 years and advance appropriations for 2 years.

Under the bill we are about to adopt we will extend the authorization so the Corporation will be authorized for 5 years in advance.

I believe that Congress, and particularly the committee on which I have the honor to serve with the Senator from South Carolina, who is chairman of this subcommittee, has a responsibility that we delegate away when we pass a bill

that extends an authorization 5 years into the future.

I have no particular quarrel with the idea that the Corporation for Public Broadcasting should not be required or expected to come to Congress each year for the next year's funding or authorization, but I think we are quite generous under the present arrangement where the Corporation has a 3-year advance authorization. Also, which is very unusual they actually receive appropriations 2 years in advance.

The Corporation has considerable flexibility and opportunity to plan and to operate without feeling, so to speak "under the gun" of the Congress.

There are many policy questions connected with public broadcasting, and we have heard a few of them aired today on the Senate floor.

The courts have ruled that Congress has an oversight responsibility with respect to public broadcasting, and that the Congress recognizes that responsibility.

We abdicate this responsibility if we do not exercise that oversight authority. That does not mean we become censors or become programmers of public broadcasting. No one is suggesting that, but still, it seems to me, we have a very important responsibility.

I know I will hear the argument that we still have oversight responsibility even with the passage of the bill as it has been reported. That is true.

But I believe the public is better protected, and there is more assurance that we will exercise our oversight responsibility, if, at reasonable intervals, new authorizing legislation is required. As a matter of fact we are talking about sunset legislation that applies across the board to invoke that principle. It seems to me that it is even more appropriate in this situation.

This is an amendment similar to the one I offered in the committee. As I recall it lost by a rather narrow margin. However, it is a question that I would like to put before the Senate for a roll-call vote. I will say to the distinguished chairman of my subcommittee I do not really believe there is a need to take a great deal of time on the amendment.

I will be glad to yield the floor.

Mr. HOLLINGS. Mr. President, before I point out the mechanics, let me discuss briefly the year-by-year funding mechanism previously provided for public broadcasting; this is, annual authorizations and appropriations. I wish the Senator from Arizona were here now. That scheme permitted real political influence over public broadcasting. That was our experience some 4, 5, and 6 years ago, causing the Congress in the main to institute forward funding in order to remove public broadcasting from the annual year-to-year type of political pressures and influence.

Let me point out another mechanical aspect of the Federal funding. Public broadcasting is required to raise, under present law—we have a change in the law in our Senate bill to \$2.25—\$2.50 for every \$1 of Federal funds.

A public broadcasting station—wondering how much it must raise to

match—has a pretty good idea what its budget is going to be by the endeavor it puts out to solicit and bring in private contributions.

The fiscal year 1981 appropriation will be contained in the fiscal year 1979 Labor-HEW appropriation bill, which we have yet to pass. So the public broadcasters do not know to this minute what is going to be in that target here. That will have to be done this year, 1978. This amount will only be for matching activity; the Treasury obviously will not disburse the funds until the beginning of 1981.

Let me emphasize that we are at this minute under 2-year authorizations. So this present bill extends us for 3 more years, 1981, 1982, and 1983. The Corporation for Public Broadcasting, the administration itself, asked for 5 more years. The House bill has 3.

Mr. GRIFFIN. Would that have made it 7 years from now?

Mr. HOLLINGS. That would have made it 7 years; yes.

Mr. GRIFFIN. That would have been something.

Mr. HOLLINGS. That is right. I resisted that, as the distinguished ranking Republican member knows, but what we did was cut it to 3, so that in sum total it would be for a 5-year period.

But let us return to the mechanic of funding. During fiscal 1979, public broadcasters will engage in their fundraising activity all over the land to match that target amount, and then, in 1980, these same broadcasters will compile their individual fund-raising results and send that information to the Corporation for Public Broadcasting. In fiscal year 1980 the CPB will audit the reports, and certify that aggregate amount to the Treasury.

Then at the beginning of 1981, the proper level of Federal funds is disbursed to the Corporation for Public Broadcasting.

Mr. President, in no event does the Corporation for Public Broadcasting receive more than has been previously authorized or appropriated. However, without forward funding there would be a whip effect, great difficulty in making long-term planning. The distinguished Senator's amendment would severely hamper that advance planning process.

Mr. GRIFFIN. Of course, to keep our arithmetic straight, we have to keep in mind that they already have 2 years advance authorization; so under my amendment they would have 1 more year, which would be 3 years.

Mr. HOLLINGS. That is right; keep the arithmetic straight. They presently have in the law the 2 years—fiscal year 1979 and 1980. This bill would now authorize 3 years, and we think this is orderly procedure.

There are many reasons. We did not choose the 3-year period arbitrarily. There are several factors that led the committee to determine that the 3-year authorization was the most desirable length of time.

Under the reform concept involved in S. 2883, 3 years are needed for us to obtain the information on which to act and guide us in our congressional oversight,

and not hurt it. Any shorter period would mean we would be acting without the information sought to be provided by S. 2883. The major objective of multi-year authorizations is always that of insulating public broadcasting against political influence, and giving it as much autonomy as possible. Since we have been talking with the distinguished leaders of the nations of Egypt and Israel about the difference between sovereignty and autonomy all day, we can borrow that word. We have afforded discussion within the committee in our hearings, and I want to note also that on the House side, they also agreed to the additional 3-year authorization.

As the Senator indicates, you can argue, you can talk about the oversight and elaborate more on the politics; but this 3 years is the general consensus and recommendation. It is not necessarily wholly in harmony with the Corporation for Public Broadcasting itself, because they would like to have a 5-year authorization, but being on the Budget Committee, I try to cut back on the multi-year bills because there are too many uncontrollables now.

I think the 3-year authorization is a proper compromise authorization. It passed the full committee almost unanimously—the Senator from Michigan did disagree; he has his amendment there, and I would suggest, unless there is further discussion, we go ahead and vote the amendment up or down.

Mr. GRIFFIN. I agree with the Senator.

Mr. HOLLINGS. Does the Senator wish the yeas and nays?

Mr. GRIFFIN. Yes.

Mr. HOLLINGS. The Senator does wish an up-or-down vote on this amendment.

Mr. GRIFFIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. GRIFFIN. I suggest the absence of a quorum.

Mr. HOLLINGS. Well, let me cover several other matters while we get a quorum here.

We can also send for our distinguished friend the Senator from Wisconsin, who had a matter he would like to bring up on the floor, and is waiting. And if we can withhold there, Mr. President, I could go into one dialog we were going to have between the distinguished Senator from Connecticut (Mr. WEICKER) and myself. We wanted to have this exchange relative to the long-range planning requirement.

Again, here is another Senator who says the issue is not just censorship, not just the White House and the Executive, but the Congress itself.

COLLOQUY BETWEEN SENATOR WEICKER AND SENATOR HOLLINGS

Mr. WEICKER. Mr. President, I have several questions I would like to ask the distinguished floor manager of this bill.

I am particularly interested in section 305 which requires the Corporation for Public Broadcasting to create and update annually, a 5-year plan for the

velopment of television and radio services. That is certainly a laudable objective. I note, however, that in contrast to the House bill, S. 2883 would require that this plan be submitted annually to the Congress. Can the Senator assure us that such reports are for informational purposes only, and that it is not the intention of this provision to have the Congress influence the programing plans of public television entities or the Corporation?

Mr. HOLLINGS. I can assure the Senator that we do not intend this 5-year plan to be a vehicle for the Congress to meddle in the programing of the public television and radio stations on the Corporation. Our goal here is to force the Corporation to plan ahead, to go through the discipline each year of looking down the road, of anticipating problems, of setting goals and objectives. This is simply good management.

Mr. WEICKER. Then the Senator is saying that it would be inappropriate for the Congress, having received these plans from CPB, to try and influence the programing of public television and radio, either directly or through punitive action with regard to appropriations?

Mr. HOLLINGS. That is correct.

Mr. WEICKER. Has the committee considered the possible "chilling effect" upon the Corporation's program planning that this provision would have without the assurances that the Senator has just given us? And given our common desire to avoid congressional intrusion into public broadcast programing, do the benefits of this provision outweigh the misinterpretations to which it might be subject?

Mr. HOLLINGS. I hope my replies to the Senator's questions will provide the kind of assurance he and others are seeking. There should be no misinterpretation here—we are not trying to let Congress meddle in television and radio programing. Instead we are trying to bring to the Corporation the sound business practices it needs to do a more effective job in the future.

Mr. WEICKER. I raise these questions because the Senator from South Carolina and I have just gone through this kind of exercise on the question of children's advertising on television. In that case we tried to make it clear that the Constitution and not the Government should be the arbiter of what this Nation sees, hears, or reads. The Senator's replies here today assure me that our intentions in that case will be carried through to this bill.

I thank the Senator.

Now, Mr. President, I ask for the yeas and nays on the amendment of the Senator from Michigan.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. McCLURE. Will the Senator yield?

Mr. HODGES. I yield.

Mr. McCLURE. I believe there is an effort being made to get a sufficient second for the yeas and nays. I wonder if I might at this time raise a question with respect to a provision in the bill and perhaps get some assurances, or at least

some feeling, from the managers of the bill concerning a problem which is not directly touched upon by this bill which is pending before us now, S. 2883, but is in the House-passed bill.

It is an issue of considerable concern to me and, I imagine, to the Members of this body. I refer to the provision in H.R. 12605 which would, for the first time, permit editorializing by public broadcasting stations.

Under section 399 of the Communications Act, no noncommercial educational broadcasting station may engage in editorializing or may support or oppose any candidate for political office. The House bill would eliminate this prohibition for all stations and substitute a new provision merely prohibiting them from supporting or opposing candidates for public office. The Senate bill contains no such language and leaves section 399 intact.

Mr. President, I believe it would be extremely unwise and unfortunate for the Congress to amend section 399 and permit public telecommunications entities to express their opinions on political candidates or editorialize on public issues in any way.

To remove the prohibition against editorializing is contrary to the purpose for which the public broadcasting system was conceived and the charter under which it was established. Public broadcasters are, themselves, not unanimous or enthusiastic in their support for this proposed change. Moreover, to allow noncommercial broadcasters to become embroiled in politics and political debate would, in my opinion, destroy the integrity and nonpartisan framework of the public broadcasting service, impair popular acceptance and support for a public-financed telecommunications system, and jeopardize continued congressional support for the Corporation for Public Broadcasting, the Public Broadcasting Service, and National Public Radio.

This issue was thoroughly debated when the 90th Congress considered and passed the Public Broadcasting Act of 1967, and it was decided then that a prohibition against editorials by noncommercial educational outlets was advisable. The conference report on the legislation establishing the Corporation for Public Broadcasting (S. 1160) stated:

It should be emphasized that these provisions are not intended to preclude balance, fair, and objective presentation of controversial issues by non-commercial, educational broadcast stations. These provisions are consistent with the requirements of section 398(g)(1)(A) of the Communications Act of 1934—

Which was also added at that time—

Which require that programs or series of programs of a controversial nature which are made available by the Public Broadcasting Corporation must adhere strictly to objectivity and balance.

Although the legislation contained this language preventing editorializing as well as a provision for a bipartisan board of directors (CPB), some Members of Congress warned that the danger that noncommercial television could become a partisan political tool was not entirely eliminated. Although it was assumed then that stations would adopt a fairminded

approach when presenting "fair" and "unbiased" documentaries, public affairs and news programs, there was, and is, no guarantee of objectivity or balance. Of course, it is impossible to appear "impartial" or "nonpartisan" or even "fair" to every viewer.

As we all know, there have been instances when Public Broadcasting has been criticized for exhibiting bias and a woeful lack of objectivity in its programing. On several occasions PBS has offered programs which have seemed to many viewers to contain blatantly partisan content or even left-wing propaganda. Fortunately, these deplorable instances have not been commonplace and the major portion of noncommercial programing has been fare of exceptional quality and without controversial overtones. Moreover, local public radio and TV outlets, such as those in Idaho, have done a good job of presenting both sides of the question when covering public issues of interest to local communities. Still, I shudder at the idea of giving taxpayer-supported, noncommercial broadcasting stations carte blanche to do whatever their management might want, to offer controversial programing, without strict adherence to objectivity and balance.

Let my position be completely clear: I oppose Government restrictions on free speech and, as a general rule, I do not favor Federal controls on broadcasting.

Mr. GRIFFIN. Will the Senator yield so we may ask for the yeas and nays on the Griffin amendment?

Mr. McCLURE. I yield without losing my right to the floor so that we might ask for the yeas and nays on the Griffin amendment.

Mr. HOLLINGS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLURE. I doubt that the so-called fairness doctrine and other such FCC regulations have done much to guarantee fairness in programing. I suspect they have been counterproductive, by creating a chilling effect on broadcasting and even preventing local broadcasters from exploring controversial issues.

But public noncommercial radio and TV is not the same as private commercial broadcasting. Since taxes are being used to support the public telecommunications system in our Nation, the public broadcast licensees have a duty to see that the programing they offer—especially the presentation of controversial public issues—is nonpartisan, balanced, and fair. Many local public broadcasters share my views on this matter. Recently I received a letter from the general manager of a public radio and TV facility in Idaho critical of the House bill. He said in part, and I quote:

I do not feel it is appropriate for these stations to provide editorial comment. Our station has a policy that on controversial issues, we seek both sides of the issue and provide adequate time for the issue to be presented. Comment by responsible people representing the various viewpoints are welcome. However, the station does not take an official position on either side.

For these reasons, Mr. President, I believe that any relaxation of the section 399 prohibition against editorializing by noncommercial public broadcasters must be resisted. I, for one, would oppose any future Federal funding for a public telecommunications system which could be exposed to the vagaries of politics and the pressures of partisanship.

I strongly urge the Senate conferees, particularly the distinguished chairman and ranking member of the Communications Subcommittee, to insist that the language of the House bill be stricken on this point and that the section 399 prohibition remain as provided in the Senate bill.

Mr. President, I wonder if the distinguished Senator from South Carolina would comment with respect to the intentions of the Senate conferees in regard to the House provision striking the prohibition of editorial comment?

Mr. HOLLINGS. I simply say, Mr. President, that my sentiments are those of the Senator from Idaho. The fact of the matter is that I agree with him that if I allow editorializing or sponsorship of political candidates, it could be the death knell of public broadcasting. That is precisely the matter of concern which we discussed with the distinguished Senator from Arizona.

Section 399 of the Communications Act of 1934 provides:

No noncommercial educational broadcasting station may engage in editorializing or may support or oppose any candidate for political office.

This is the intent of the committee, that we adhere to that provision although modified in the House bill, the section is not changed in our bill.

Mr. McCLURE. I appreciate the comment of the Senator. I know that he will be one of the more influential of the Senate conferees when they go to conference with the House on this measure. I assume the comment that was made is that it would be the intention of the conferees to insist that that language be stricken when they get to conference. Am I correct in that assumption?

Mr. HOLLINGS. Yes.

I yield to the Senator from New Mexico.

Mr. SCHMITT. I cannot guarantee that I shall be a member of the conference committee, but certainly, if I am, I completely agree with what both the Senator from Idaho and the Senator from South Carolina have said. This is a completely inappropriate authority for Public Broadcasting, and we shall do everything we can to assure that the House position does not prevail on this issue.

I have a distinct impression that the conferees on the Senate side feel strongly enough on this issue that the House, in fact, will not prevail.

Mr. McCLURE. I thank the Senator.

Mr. SCHMITT. I also compliment the Senator for his statement on this subject. I think it expresses the sentiment of a large majority of the Senate and we shall do our best to assure that it is also the sentiment of the Congress as a whole.

Mr. McCLURE. I thank the Senator for that comment. It is my understanding that the Senator from Michigan also shares that feeling. I do not want to put words in his mouth in assuming that and I shall allow him to speak for himself.

I should like to say that, as a Member of the other body when the act was passed some years ago, one of the great reservations I had in my mind was whether or not the Public Broadcast System could be immune from manipulation on behalf of or against certain elements in our society. I voted for it and I have supported public broadcasting since that time. I am happy to say that the worst fears of those who were afraid it might happen have not been realized. The best judgment that has been given is that the objectivity level has been very high, not uniform and not total, and judgment may vary upon that score.

As for the Senator from Idaho, I have not been displeased with their ability to refrain from trying to persuade the public or propagandize the public toward a particular point of view. If they ever move away from that standard, I think they will be in very grave difficulty in both Houses of Congress because, certainly, we do not want a Government propaganda agency funded by the taxpayers' dollars.

Mr. President, I understand that we are about ready to vote on the amendment of the Senator from Michigan. Is that correct?

Mr. HOLLINGS. That is correct. As soon as he returns, we are going to yield back our time, and the yeas and nays have been ordered.

Will the Senator yield?

Mr. McCLURE. I am happy to yield.

Mr. HOLLINGS. What we are trying to do, Mr. President, is give stability to public broadcasters. They never have had real stability. We have never been able to guarantee absolute political independence. That is what we are doing under this 5-year proposal. That is why the committee, after due deliberation, defeated a similar amendment in executive session. I ask that our colleagues turn this amendment down at this time in favor, of course, of the 5-year program.

The 3-year forward funding provision of this bill is added on to the remaining 2 years we have in the law right now. In other words, under the law, today, we have an authorization for 1979 and 1980. The bill we are now voting on will pick up the years 1981, 1982, and 1983. If you favor the Griffin amendment, you just cut it back 2 years and it will only be a 1-year funding provision under this bill.

The yeas and nays have been ordered, Mr. President.

Mr. SCHMITT. Mr. President, if the Senator will yield, it is my understanding that the Senator from Michigan has no further comment and is willing to yield back the remainder of his time. I do so in his behalf.

Mr. HOLLINGS. I have just been given word that the Senator from Nevada would like to be heard on this amendment.

Mr. McCLURE. Mr. President, I asked the Senator from Michigan if it would be all right that I ask unanimous consent to be added as a cosponsor to his amendment. He indicated that it would. I therefore make that unanimous-consent request at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, we are prepared to yield back our time; we are ready to vote.

Mr. SCHMITT. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABRAHAM), the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CLARK), the Senator from Colorado (Mr. HASKELL), the Senator from Minnesota (Mrs. HUMPHREY), the Senator from Hawaii (Mr. INOUE), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Georgia (Mr. NUNN), and the Senator from Mississippi (Mr. STANLEY) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mrs. HUMPHREY) and the Senator from Iowa (Mr. CLARK) would each vote "nay."

Mr. STEVENS. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from North Carolina (Mr. HELMS), the Senator from Kansas (Mr. PEARSON), the Senator from Virginia (Mr. SCOTT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The result was announced—yeas 20; nays 63, as follows:

[Rollcall Vote No. 379 Leg.]

YEAS—20

Allen	Domenici	Packwood
Baker	Garn	Schmitt
Bartlett	Griffin	Schweiker
Beilmon	Hatch	Wallop
Chafee	Hayakawa	Young
Curtis	Laxalt	Zorinsky
Dole	McClure	

NAYS—63

Anderson	Hart	Metzenbaum
Bayh	Hatfield	Morgan
Bentsen	Mark O.	Moynihan
Bumpers	Hatfield	Muskie
Burdick	Paul G.	Nelson
Byrd	Hathaway	Pell
Harry F., Jr.	Helms	Percy
Byrd, Robert C.	Hodges	Proxmire
Cannon	Hollings	Randolph
Casse	Huddleston	Riegle
Chiles	Jackson	Roth
Church	Javits	Sarbanes
Cranston	Johnston	Sasser
Culver	Kennedy	Sparkman
Danforth	Leahy	Stafford
DeConcini	Long	Stevens
Durkin	Lugar	Stevenson
Eagleton	Magnuson	Stone
Eastland	Mathias	Talmadge
Ford	Matsunaga	Thurmond
Glenn	McGovern	Weicker
Gravel	Meicher	Williams

NOT VOTING—17

Abourezk	Haskell	Pearson
Biden	Helms	Ribicoff
Brooke	Humphrey	Scott
Clark	Inouye	Stennis
Goldwater	McIntyre	Tower
Hansen	Nunn	

So the amendment (UP No. 1849) was rejected.

UP AMENDMENT NO. 1850

(Purpose: To place a limit on salaries of officers of the Corporation, the Public Broadcasting Service, and National Public Radio)

Mr. McCURE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCURE) proposes an unprinted amendment numbered 1850.

Mr. McCURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, between lines 19 and 20, insert the following:

COMPENSATION OF OFFICERS AND EMPLOYEES

SEC. 303. Section 396(e) (1) of the Communications Act of 1934 is amended by inserting after the first sentence the following new sentence: "No officer or employee of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the rate of pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code."

Redesignate sections 303 through 308 as sections 304 through 309, respectively.

On page 31, line 18, strike out the closing quotation marks and the second period, and after line 18 insert the following:

"(9) Funds may not be distributed pursuant to this subsection to the Public Broadcasting Service or National Public Radio (or any successor organization) unless assurances are provided that no officer or employee of the Public Broadcasting Service or National Public Radio (or any successor organization), as the case may be, will be compensated at an annual rate of pay which exceeds the rate of pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code."

Mr. McCURE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, will the Senator yield for 1 minute?

Mr. McCURE. I yield.

Mr. JAVITS. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. MATSUNAGA). The Senate will be in order. Members will please cease conversation. Senators will take their seats. Staff members will retire to the assigned seats in the rear of the Chamber.

Mr. JAVITS. Mr. President, I would like the attention of the manager of the bill.

Senator CRANSTON and I are deeply interested in the handicapped, and we have noticed that in the nondiscrimination section of the bill, respecting employ-

ment by all public telecommunication entities receiving funds pursuant to subpart C, and so forth, which is contained in section 398(b), at page 35, the question of discrimination is limited to the grounds of race, color, religion, national origin, and sex. It does not include the handicapped.

We realize that Secretary Kreps, who is going to have administration of this, is a very enlightened lady. We realize, also, that the Senator would like to have some concept as to what it would mean to include the handicapped in this particular section, but that the manager of the bill is very strongly in favor of a fair employment opportunity for the handicapped, as are we.

Therefore, the suggestion has been made—and we would like to have his views and confirmation—that he could get a letter from the Secretary of Commerce, before the matter goes to conference, as to what will be the policy of the PBC respecting this question of discrimination regarding the handicapped.

Mr. HOLLINGS. Mr. President, I thank the Senator from New York and the Senator from California for bringing this to the attention of the Senate. It concerns me.

We all have been concerned with the handicapped. I have dealt directly with that particular provision in education matters. My only misgiving, momentarily, is that I do not know the impact on the telecommunications facilities fund. I am sure that Secretary Kreps will give us a satisfactory answer.

I say to the Senator that we have spent a good deal of time with respect to equal employment opportunity for minorities and for women under this bill. We put strong EEO provisions in this bill after good, comprehensive hearings.

However, we were not apprised of the specific matter of including the handicapped in this bill until a few days ago.

So I ask the Senator's forbearance until we can get that letter from Secretary Kreps as to her particular policy now, with her new functions and duties under this bill. I am sure it will be satisfactory. Then we can look closely at that \$40 million telecommunications facilities fund and realistically provide ample funding for all its purposes. I do not want to include it in this particular statutory language. Of the 75 percent allocated for new and expanded existing telecommunications facilities, and 25 percent to refurbish present public broadcasting stations. I am concerned of possible excessive dilution of this limited fund, but do want to focus directly on the issue.

Mr. JAVITS. Mr. President, under the circumstances, and considering that the Senator is on our side, that solution seems satisfactory to me.

Mr. HOLLINGS. I am sure the Senator from California would want to join in this.

Mr. CRANSTON. Mr. President, I conferred with both Senators during the rollcall vote that was just completed.

Mr. McCURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Idaho has the floor. Does the

Senator from Idaho yield to the Senator from California?

Mr. McCURE. What is the time limit on the Senator's amendment?

The PRESIDING OFFICER. Thirty minutes to each side.

Mr. McCURE. Mr. President, I do not wish to cut off the colloquy, but it is my time that is being consumed.

Mr. HOLLINGS. Let us yield time on the bill. Is that satisfactory to the Senator from Idaho?

Mr. McCURE. Of course.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the time consumed by the Senator from New York, the Senator from South Carolina, and the Senator from California with respect to the provision for the handicapped be allocated to the bill, not to the amendment of the Senator from Idaho.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I wish that there had been an opportunity in the hearings to go into this matter.

I wish we had time in the Chamber to consider the matter now, but the manager of the bill feels that it is necessary to learn more before dealing with the problem intelligently.

Senator JAVITS. I know, wishes to proceed but understands the difficulties of proceeding at this time.

I concur with the suggestion made by the Senator from New York and accepted by the Senator from South Carolina that we write and see what response we get from the Secretary. If the response does not give satisfactory assurances and I am not sure there can be satisfactory assurances without specific provisions in the law, then we do have an understanding, as I take it, that there will be hearings on this matter and we can move forward with legislation to deal with the problem.

Mr. HOLLINGS. Very definitely, I say to the Senator, that we will get the communication from the Secretary of Commerce. If there is any question or any feeling on the part of any of the parties concerned or any Senator concerned that we should have hearings, I would welcome those hearings, at which time we would hear from the Secretary and other interested parties. If necessary, we would simply proceed to amend the Public Broadcasting Act again. We can always amend and provide further.

Mr. CRANSTON. There will be a vehicle available for that purpose—that is, legislation to deal with this problem.

Mr. HOLLINGS. Yes.

Mr. CRANSTON. With that understanding, fine. I had been prepared to offer an amendment with regard to handicapped individuals. As a result of the assurances by the floor manager, I will not offer that amendment now. I ask unanimous consent that the text of the amendment and a floor statement in support of it be printed at this point in the Record.

There being no objection, the amendment and statement were ordered to be printed in the Record, as follows:

On page 3, line 5, strike out "minorities and women" and insert in lieu thereof "mi-

norities, women, and handicapped individuals".

On page 6, line 22, strike out "minority and women's" and insert in lieu thereof "minority, women's, and handicapped individuals".

On page 6, lines 24 and 25, strike out "minority and women" and insert in lieu thereof "minorities, women, and handicapped individuals".

On page 10, lines 2 and 3, strike out "minorities and women" and insert in lieu thereof "minorities, women, and handicapped individuals".

On page 35, line 10, strike out "sex" and insert in lieu thereof "sex; and no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be subjected to discrimination in employment by any such recipient".

On page 38, between lines 16 and 17, insert the following new paragraph:

"(3) The term 'handicapped individual' means any such individual as defined in section 7 (6) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 706(6))."

On page 38, line 22, strike out "(4)" and insert in lieu thereof "(5)".

On page 39, line 3, strike out "(5)" and insert in lieu thereof "(6)".

On page 39, line 9, strike out "(6)" and insert in lieu thereof "(7)".

On page 39, line 21, strike out "(7)" and insert in lieu thereof "(8)".

On page 40, line 17, strike out "(8)" and insert in lieu thereof "(9)".

On page 41, line 3, strike out "(9)" and insert in lieu thereof "(10)".

On page 41, line 10, strike out "(10)" and insert in lieu thereof "(11)".

On page 41, line 19, strike out "(11)" and insert in lieu thereof "(12)".

On page 41, line 25, strike out "(12)" and insert in lieu thereof "(13)".

On page 42, line 8, strike out "(13)" and insert in lieu thereof "(14)".

On page 43, line 1, strike out "(14)" and insert in lieu thereof "(15)".

On page 43, line 5, strike out "(15)" and insert in lieu thereof "(16)".

FLOOR STATEMENT

Mr. President, the amendments I offer for myself, Mr. JAVITS, the ranking minority member of the Committee on Human Resources, and Mr. RANDOLPH, the chairman of the Subcommittee on the Handicapped, are designed to make specific that handicapped individuals are covered by appropriate provisions with respect to special consideration and equal employment opportunity requirements.

Mr. President, the report to accompany S. 2683 asserts that "since all taxpayers support public broadcasting, it is imperative that service to unserved or underserved populations be substantially increased". In this regard, the bill, as reported, includes as a "basic objective" the involvement by and increase of non-commercial, educational and cultural radio and television service to minorities and women. To accomplish this end, the secretary of commerce is required to take affirmative steps to inform minorities and women of the availability of funds and the localities where new public telecommunications facilities are needed and to provide such other assistance and information as may be appropriate. Further, the secretary is required to give special consideration to applications which increase minority and women operation of, and participation in, public telecommunications entities.

In addition, with respect to the approval of applications for construction and planning grants, the Secretary of Commerce is required to base determinations of whether to approve an application, in part, on criteria designed to achieve "the development of public telecommunications facilities oper-

ated by and available to minorities and women".

Mr. President, the requirements for special consideration, and so forth, that I have cited do not include handicapped individuals among the covered groups. I find this apparent oversight unfortunate.

As indicated recently by Stanley Fleishman, the counsel for the California Association of the Physically Handicapped:

"Television confers status on those individuals and groups it selects for placement in the public eye, telling the viewer who and what is important to know about, think about, and have feelings about".

But, as emphasized by Mr. Fleishman, with respect to fair treatment in television, "virtually no progress has been made on behalf of people with handicaps".

Mr. President, the place to start in order that progress might be made is right here with public broadcasting. As stressed in the committee report, it is imperative that service to unserved or underserved populations—such as handicapped individuals—be substantially increased.

The proposed amendment would place handicapped individuals on the same footing as minorities and women with respect to steps to be taken to increase participation. Again I quote from the committee report—"public broadcasting must be responsive to the needs and interests of all segments of the population, especially to the needs and interests of disadvantaged groups." Certainly, handicapped individuals comprise one such group.

In addition to including handicapped individuals on equal footing with minorities and women with respect to such special consideration, the proposed amendment would extend the bill's equal employment opportunity requirements to include handicapped individuals.

Mr. President, recently, I received from a constituent a letter with respect to a complaint he had filed under section 504 of the Rehabilitation Act of 1973 concerning discrimination by a public broadcaster against the deaf and hearing impaired.

In response, Frances Farmer, director of the Intergovernmental Affairs Office for Civil Rights, of the Department of Health, Education, and Welfare, wrote that Congress recently held hearings to determine what agency will have responsibility for enforcing civil rights provisions as part of its consideration of the Public Broadcasting Financing Act of 1978. She said:

"Because the corporation for public broadcasting receives Federal funds from several sources (including this department) and is licensed by the Federal Communications Commission, there was disagreement about which agency should have civil rights enforcement responsibility. . . . I regret that I am unable to provide specific information about civil rights enforcement in public television broadcasting. We will hold your complaint and contact you when the Congress decides which agency shall have enforcement responsibility."

Unfortunately, with respect to complaints based on handicap, under the bill, as reported, there would continue to be disagreement.

No protection is extended to handicapped individuals and no determination is made as to enforcement responsibility. The proposed amendment would remedy this failure to include handicapped individuals among those covered by the equal employment requirements added by the bill, for which H.E.W. is given enforcement responsibilities.

In addition, the proposed amendment would make specific that, for the purposes of this act, handicapped individuals would be defined as presently defined, for purposes of Civil Rights programs, in the rehabilitation act of 1973. This provision would assure

administrative ease and avoid confusion caused by having different definitions.

In sum, Mr. President, the proposed amendments make specific that, with respect to equal employment opportunities, special consideration requirements, and other Civil Rights obligations handicapped individuals, are included.

Mr. JAVITS. I thank my colleagues.

Mr. HOLLINGS. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. MCCLURE. Mr. President, I did not make a request in regard to time, because I expect I will not take all of my time on this amendment. It is a relatively simple amendment and can be explained very quickly.

The amendment I have offered will place a limit on the salaries of public broadcasting executives.

This amendment would provide that no officer or employee of the Corporation for Public Broadcasting could be compensated at an annual rate of pay above level I rates under the Executive Schedule. And I might just note that level I rates are the rates paid for Cabinet officers, and they are currently fixed at \$66,000 per year.

Further, funds would not be distributed by the Corporation to the Public Broadcasting Service or National Public Radio unless it receives assurances that no officer or employee of PBS or NPR will be compensated at an annual rate above Executive Level I.

This amendment is identical to language contained in the public broadcasting bill passed by the House. I refer to sections 303 and 307 of H.R. 12605.

The purpose of this amendment is to insure that no official at any public telecommunications organization which receives Federal funds will be paid more than \$66,000 a year. I do not believe this is an unreasonable restriction. And I see no good reason why an executive at the Corporation for Public Broadcasting, the Public Broadcasting Service, or National Public Radio should receive a higher salary than a Cabinet Secretary.

All of these public broadcasting entities receive Federal funding, and there is a necessary commingling of private contributions and public moneys in the funds from which the Corporation, PBS, and NPR compensate their employees. The taxpayers of this Nation have a legitimate interest and concern in having their tax dollars in these funds used wisely and effectively. They also have a stake in the growth and development of a public telecommunications system in this country.

I think it is fair to say that the American people are not interested in paying public broadcasting executives exorbitantly high salaries.

The purposes for which long-term financing is to be provided under this legislation are laudable. I do not quarrel with spending the people's taxes on improving the facilities, operations and programming of our Nation's public radio and TV systems. But the limited funds that we can afford to authorize at this juncture for the development of public broadcasting in the near future should be used carefully.

Noncommercial telecommunications services are not yet widely appreciated, understood, or supported by the public. It would be unfortunate if this fledgling public medium which is supposed to serve the people were to develop an image of profligacy and fat-cat elitism.

The Corporation for Public Broadcasting, PBS, and NPR does not have to pay extraordinarily large salaries to attract good talent. I have found that those employed at public radio and TV stations in Idaho and elsewhere are dedicated, motivated, and talented professionals. Like school administrators and other public officials, they hold jobs which depend on public support and for which they provide a public service. They take immense pride in their work. They do not expect to be rewarded for their efforts as if they were high-priced corporate executives, nor do they expect officials at CPB, PBS, and NPR to be so highly paid.

Public broadcasting is not in competition with commercial broadcasting. It performs a wholly different function, it provides a different kind of service and it operates in a different way. The Commerce Committee's report on this legislation makes this point quite clear. At page 20, for instance, the report states that

The Committee is concerned about the trend toward accumulation of centralized "network" powers in public broadcasting... From the very first, the Congress has made clear its determination that public broadcasting not develop into a "fourth" network.

I share the committee's concern. Accordingly I do not believe that either the Corporation or the CPB-funded public radio and TV organizations should pay their executives at levels comparable to ABC, CBS, or NBC officials.

In the wake of proposition 13 and in light of increasing public demands for Government to exercise frugality, to eliminate frills and to limit spending, I think it would be unwise for the Members of the Senate not to accept the House's language and approve some modest limits on the salary levels of public radio and TV personnel. For these reasons I hope that the Senate will approve this amendment.

Mr. President, it seems to me that Cabinet officers, Secretaries of the President's Cabinet, are certainly as deserving of pay as are officials of the public broadcasting system.

I might note, Mr. President, that it has been argued and undoubtedly will be argued that there are not very many above this and I will not save very much money. Let me answer that argument before it is made, Mr. President, by indicating that, indeed, it will not save very much money; therefore, it cannot be much of an imposition unless it is the intention of those within the public broadcasting service to have a very large increase in salaries in their near future.

Mr. President, there is now no limitation on the salary that can be paid except the judgment of those who are setting the salary schedule and not Congress, and this is taxpayers' money commingled with private funds that pay these salaries.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield myself a few minutes.

I understand the Senator wants the yeas and nays. Do we have enough Senators in the Chamber?

Mr. McCLURE. They've already been ordered.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. HOLLINGS. They have been ordered. Excuse me. All right.

Mr. McCLURE. I thank the Senator.

Mr. HOLLINGS. I shall be as brief as I possibly can, not because this is unimportant, but because there are strong arguments both ways.

There is an argument on the sides of the Corporation—if it is a private entity, without political influence, and let us try to treat it as such. If we start legislating salary limitations we treat it as a governmental entity. That would be my real objection in this particular matter.

When one talks about "fat cat" elitism, I could make a nice talk on that particular score. The truth is that the salary levels in this particular industry are as follows: The ABC chairman receives \$750,000 plus stock options, totaling in excess of a million dollars. The CBS chairman receives \$500,000 plus stock options; the NBC chairman receives \$300,000 plus stock options; and then the different presidents as well as the chairmen. One can come right down, Mr. President, to the weatherman. If we can get a break here and go on home and turn on the television weatherman in this town we are going to listen to a gentleman, Mr. Willard Scott, who makes between \$80,000 and \$90,000 a year.

I do not know about elitism, but when we finally get down to the weatherman then you and I have to look at whether that is right or that is wrong, that is what they are paying him. I certainly do not recommend that we try to equal it. The Corporation is bringing in now as its president the president of the University of Michigan to replace Mr. Loomis, and it is reported—but I am not certain of this—that he would be paid at the same level of \$70,000. I do not think that level to be exorbitant. On the contrary, I am confident if he is coming from the University of Michigan he is taking a cut in pay. You see, CPB officers do not make honoraria by going out and making talks or writing articles or the like. Nor can they own a farm or run a farm and make earned income there. Rather we just look at the salary levels and see whether we have got a public problem, and if you will turn to page 137 of the particular hearing, you will find there are only three individual positions which exceed the Senator's proposed salary ceiling: Involved at \$69,352, \$70,000, and \$62,000. If we pass the Senator from Idaho's amendment, then what we have done is to say, in a demeaning sense, is, "Look, you really are a governmental entity," and all the Government saves is approximately \$5,000. That is why the committee resisted a salary level.

With that stated, Mr. President, I would be glad to hear from any other

Senator and yield back the balance of our time.

We will have to oppose the amendment because, while the Corporation may be paying a little bit more than the distinguished Presiding Officer and I am paid, and we are going to pay, it is not excessive, it is not fat cat elitism. Furthermore, we do have committee oversight here, and if it really is the fat cat elitism charged, I am going to be hollering louder than the Senator from Idaho.

The PRESIDING OFFICER. Does the Senator from Idaho yield back his time?

Mr. McCLURE. Mr. President, I do not question that the Senator from South Carolina can yell louder than the Senator from Idaho. I think that has been demonstrated, and I yield that award to him. [Laughter.]

But I would say this: that the Senator has mentioned the salaries of executives of the three networks, multibillion dollar enterprises, who get very high salaries indeed.

I might point out that, I think, it has been reported in the public press that Secretary Blumenthal in his last 18 months as president of Bendix Corp., received in pay and stock options something like \$2 million. He is now working for the Government and for the taxpayers of this country at \$66,000 a year.

It does not seem to me, Mr. President, that you can ask any more of men who will become Secretaries or the President in the President's cabinet than you would ask of people who are going to serve the taxpayers as executives of the public broadcast media.

I might add, too, Mr. President, I do not know of any restriction on outside income that these men have, and I am not sure it is correct to represent to us that they can have no outside income. They may not be able to earn outside income, and I know my good friend from Maine feels very deeply about the restrictions that have been voted on the floor of the Senate on activities of Members of this body, and that is a sentiment that I share fully, that the coupon clippers are not necessarily more important to this body than are those who may earn some money outside these Chambers.

But, Mr. President, it seems to me that \$66,000 a year is sufficient for the men who will be the executives of these public broadcast media if that is an appropriate level for the President's Cabinet officers.

Mr. President, it just seems to me to be beyond any kind of reasonable argument to say that because they are in the broadcast media they, therefore, must be paid more or at least permitted to be paid more.

Saying that, Mr. President, I do not mean to say anything at all to detract from my confidence in the oversight committee. I am conscious of that fact that there is an oversight committee. But there is a very great increase in the amount of money and the stability of that funding for these purposes that I suspect the executives will be trying to get a portion of that increase if this legislation becomes law without any limitation placed upon the salary schedule.

Finally, Mr. President, not because I think we are going to change anybody's mind within the hearing of either of us on the floor, but there is a provision

which the House has put in their bill, and at least the other body has seen fit to establish a limit on this compensation, just as the Congress has placed limits on others who receive payment from the Federal Treasury, from the taxpayers of this country.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, is there a Senator who wishes a rollcall on final passage? I have been trying to indicate to my colleagues whether there is going to be any other rollcall votes tonight. I think this will be the last rollcall. I know the Senator from Wisconsin has a very important matter to discuss, but I think we can reconcile it, once we make that record, without a rollcall.

Before I yield back, I would simply say we are not talking about only the funds in the bill, at \$200 million; public broadcasters must raise at least \$500 million which added to our \$200 million is a \$700 million budget. The responsibility is very great, but I did get down to the weatherman. You did not get me down to the weatherman who gets \$80,000 and \$90,000 a year, and there are plenty of weathermen giving the weather, and I hope we can close quickly enough to go home and get the weather report.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. HOLLINGS. I yield.

Mr. CURTIS. I do not think we have had very good weather at that price.

[Laughter.]

Mr. HOLLINGS. I yield back the remainder of my time.

Mr. MCCLURE. Mr. President, let me just end by saying the salary schedules in the public broadcast media seem to be more similar to salaries by other public bodies rather than those of private entities. If, as a matter of fact, we are going from \$200 million to \$500 million, does that imply we go from \$70,000 a year salary to \$150,000 a year salary? That is a concern this Senator has. Since it is taxpayers' funds that are being spent here, money taken away from the hard-working people of this country, not at their request but at the order of the Congress of the United States, we have a right and they have a right to expect that we will establish as limits for compensation exactly the same level that is established for Cabinet members, \$66,000 a year at current salary levels.

Mr. HOLLINGS. Mr. President, 1 minute on the bill before I yield my time. Under section 396(e) (1) on page 68 of the Communications Act of 1934, there is a prohibition against any outside compensation. It is in the act.

Mr. MCCLURE. Outside compensation is different from outside income, as the Senator from Maine was very vocal about in expressing it before this body and, incidentally, that distinction—

Mr. HOLLINGS. It is earned income, and that is what I referred to in my earlier remarks.

Mr. MCCLURE. It failed to impress this body at that time, and I hope it will impress the body at this time.

• Mr. DOLE. Mr. President, I rise in

support of the amendment which would place a cap on the salaries of officials of the Corporation for Public Broadcasting, National Public Radio, and the Public Broadcasting System.

This limitation strikes me as a reasonable response to a genuine public concern about the salaries of Government corporations and independent organizations that receive funding from the Federal Government. There are, of course, valid reasons for insulating the Public Broadcasting System from the political pressures that would surely arise if it were another agency of the Government.

However, one danger of such insulation is that the salaries of officials will get out of hand. This amendment handles the problem without endangering the independence of CPB, NPR, and PBS. I agree with the House limitations and believe that we should include them in the Senate bill as well.

The amendment limits the salaries to that rate of pay in effect for level I of the executive schedule. Right now, that limit stands at \$66,000.

There are only three officials, two at PBS and one at CPB that would currently be affected. As such, this is a modest proposal and would not cause major realignments of salaries. However, it will serve as a barrier to future increases in pay above the level I rate.

This amendment is an appropriate approach to the problem and I urge its adoption.

Mr. HOLLINGS. I yield back the remainder of my time.

Mr. MCCLURE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. PAUL G. HATFIELD). All time having been yielded back, under the previous order, a rollcall vote having been ordered, the question is on agreeing to the amendment of the Senator from Idaho.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Alabama (Mrs. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Kentucky (Mr. HUDDESTON), the Senator from Minnesota (Mrs. HUMPHREY), the Senator from Hawaii (Mr. INOUE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mrs. HUMPHREY) would vote "nay."

Mr. STEVENS. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from North Carolina (Mr. HELMS), the Senator from Kansas (Mr. PEARSON), the Senator from Virginia (Mr. SCOTT), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The result was announced—yeas 33, nays 48, as follows:

[Rollcall Vote No. 380 Leg.]

YEAS—33

Anderson	Domenici	Metzenbaum
Baker	Eagleton	Morgan
Bellmon	Garn	Muskie
Byrd	Griffin	Roth
Harry F., Jr.	Hatch	Sasser
Chafee	Hatfield	Schmitt
Church	Mark O.	Schweiker
Clark	Hayakawa	Stafford
Curtis	Helms	Talmadge
Danforth	Laxalt	Thurmond
DeConcini	Leahy	Zorinsky
Dole	McClure	

NAYS—48

Bartlett	Hathaway	Pell
Bentsen	Hodges	Percy
Bumpers	Hollings	Proxmire
Burdick	Jackson	Randolph
Byrd, Robert C.	Javits	Riegle
Cannon	Johnston	Sarbanes
Case	Kennedy	Sparkman
Chiles	Long	Stevens
Cranston	Lugar	Stevenson
Culver	Magnuson	Stone
Durkin	Mathias	Wallop
Ford	Matsunaga	Welcker
Glenn	McGovern	Williams
Gravel	Melcher	
Hart	Mohr	
Haskell	Nelson	
Hatfield	Nunn	
Paul G.	Packwood	

NOT VOTING—19

Abourezk	Hansen	Ribicoff
Allen	Helms	Scott
Bayh	Huddleston	Stennis
Biden	Humphrey	Tower
Brooke	Inouye	Young
Eastland	McIntyre	
Goldwater	Pearson	

So the amendment (UP No. 1850) was rejected.

The PRESIDING OFFICER. The Senator from New Mexico.

UP AMENDMENT NO. 1851

(Purpose: To require an annual report from the National Telecommunications and Information Administration)

Mr. SCHMITT. Mr. President, very quickly, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes an unprinted amendment numbered 1851.

Mr. SCHMITT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, between lines 10 and 11, insert the following:

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ANNUAL REPORT

SEC. 402. The National Telecommunications and Information Administration shall make an annual report to Congress not later than January 31 of each calendar year, beginning with the calendar year 1980. Such report shall contain information on the activities of the Administration with respect to—

- (1) domestic communications;
- (2) international communications;
- (3) Government communications;
- (4) spectrum plans and policies; and
- (5) any other matters.

On page 43, lines 12 and 16, redesignate sections 402 and 403 as sections 403 and 404, respectively.

Mr. SCHMITT. Mr. President, Reorga-

nization Plan No. 1 of 1977 and the implementing Executive Order 12046 abolished the Office of Telecommunication Policy (OTP) in the Executive Office of the President and largely transferred its functions to the Secretary of Commerce. With this reorganization, the Secretary of Commerce became principal advisor to the President on telecommunications policy. The Secretary is responsible for the development and implementation of telecommunications policy by the executive branch.

The National Telecommunications and Information Administration (NTIA), under the direction of the Assistant Secretary of Commerce for Communications and Information, was created within the Department of Commerce to perform the functions delegated to the Secretary.

During the time that OTP was responsible for telecommunications policy, an annual report was submitted on an informal basis to the Congress on the principal activities of that Office. I believe it would be useful to the Congress to be kept informed of the principal activities of NTIA and, therefore, I am offering this amendment which requires an annual report to the Congress on NTIA's activities within the following areas: domestic communications, international communications, Government communications, spectrum plans and policies, as well as any other matters that may be of interest to the Congress.

Mr. President, I believe that the majority manager of this bill has agreed to the amendment. I see that the majority manager has disappeared momentarily, but I can vouch for his agreement.

Mr. President, I am prepared to yield back the remainder of my time. I believe the Senator is in agreement with this amendment for an annual report from NTIA. I have no further comment.

Mr. HOLLINGS. That is the position of the manager of the bill. We agree to the amendment and yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SCHMITT. Mr. President, I move reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

(The following proceedings occurred during Mr. SCHMITT's remarks.)

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me for a few moments?

Mr. SCHMITT. I will be happy to yield.

Mr. ROBERT C. BYRD. Mr. President, I sought the floor to inquire as to whether or not any Senator intends to ask for the yeas and nays on any amendment to the bill today or on final passage of the bill today.

The PRESIDING OFFICER. Will the Senator suspend until we have order in the Chamber, please?

The Senate will come to order.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President,

Mr. SCHMITT has an amendment. Will the Senator ask for the yeas and nays?

Mr. SCHMITT. No, I will not.

Mr. HOLLINGS. Mr. President, the managers will not request the yeas and nays on passage.

Mr. PROXMIRE. Mr. President, I will withdraw my amendment after discussing it.

Mr. McCURE. If the Senator will yield, I thank the Senator from Wisconsin for allowing me to go ahead of his amendment because he did not expect to have a rollcall vote on his amendment and I did expect to have a rollcall vote on mine. That was done by the Senator from Wisconsin to accommodate the other Senators.

Mr. PROXMIRE. I thank the Senator very much.

Mr. ROBERT C. BYRD. Mr. President, I believe there is a general understanding that there will be no more rollcall votes today on this measure, which includes final passage. Following this measure there will be a message from the House in connection with which Mr. SPARKMAN will speak concerning the appointment of conferees. There will not be a vote. Mr. SASSER will bring up a legislative conference report. I understand there will be no vote on that matter.

Mr. PROXMIRE. Mr. President, I will speak on shipbuilding claims but there will be no rollcall vote.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when these matters are disposed of there be a period for the transaction of routine morning business. Mr. PROXMIRE, I believe, wants to speak at some length.

Mr. PROXMIRE. Yes, on the shipbuilding claims, and that will take some time.

Mr. ROBERT C. BYRD. We will not need morning business because we will have the natural gas report before us, and a Senator can speak on other matters.

Mr. JAVITS. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. We have spoken with Senator HOLLINGS about giving Senator SASSER 2 minutes on the business of appointing conferees, and then Senator SPARKMAN will want to speak. There would be 10 minutes overall.

Mr. ROBERT C. BYRD. Very well, I make that request, Mr. President.

The PRESIDING OFFICER. Will the Senator repeat the request?

Mr. JAVITS. Two minutes on the conference report to be brought up by Senator SASSER and 10 minutes overall on the appointment of conferees by Senator SPARKMAN. We can go ahead now and displace this bill momentarily and then return to it.

Mr. SCHMITT. Reserving the right to object, Mr. President, it will only take a minute or two to complete the action that I began.

Mr. ROBERT C. BYRD. Mr. President, I ask that the request that has just been made follow action on the amendment by Mr. SCHMITT.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators.

ROUTINE MORNING BUSINESS TODAY—ORDER TO RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business following the statement by Mr. PROXMIRE later today on shipbuilding claims; and that, at the close of that morning business period, which, Mr. President, I ask not to extend beyond 30 minutes overall, the Senate then stand in recess until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL ORDER FOR TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, Mr. BARTLETT be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS, 1979—CONFERENCE REPORT

Mr. SASSER. Mr. President, I submit a report of the committee of conference on H.R. 12935 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12935) making appropriations for the legislative branch for the fiscal year ending September 30, 1979, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of August 9, 1978.)

Mr. SASSER. Mr. President, the 1979 legislative branch appropriation bill, as agreed to in conference, is \$1,118,244,000 which is the same as the Senate bill, \$26 million below the budget estimates, and well within the \$1.2 billion ceiling set for this bill in the first concurrent resolution. The bill is also subject to a further reduction of 5 percent which the Members included in the Senate bill by a rollcall vote of 72-0.

The conference report is the product of a great deal of preparation and effort on the part of both Houses to reach a compromise. Mr. SHIPLEY, Mr. ARMSTRONG, and their fellow conferees were most courteous and gracious to us in our joint effort.

Mr. President, I do not think it is necessary to go over the details of the conference report. The report has been available for some weeks now and I am sure this has given the Members an opportu-